

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 20, 2024

James and Mary Sawyer – <u>mschott@gmail.com</u> 8834 Victor Avenue Parkville, MD 21234

RE:

Petition for Administrative Variance

Case No. 2024-0032-A

Property: 8834 Victor Avenue

Dear Mr. and Mrs. Sawyer:

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.

VI II

DEREK J. BAUMGARDNER Administrative Law Judge for Baltimore County

DJB:dlw Enclosure IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE (8834 Victory Avenue)

14th Election District * OFFICE OF ADMINISTRATIVE 6th Council District

James & Mary Sawyer * HEARINGS FOR

Petitioners * BALTIMORE COUNTY

* CASE NO. 2024-0032-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, James and Mary Sawyer ("Petitioners") for the property located at 8834 Victory Avenue, Parkville (the "Property"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR"), Section 1B02.3.C.1 to permit a 3 ft. side yard setback in lieu of the minimum required 10 ft. side setback. 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. 2, photographs 1-3). There were no adverse Zoning Advisory Committee ("ZAC") comments submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on February 24, 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 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 Petitioners. 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 <u>20th</u> day of March, 2024, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from the BCZR, Section 1B02.3.C.1 to permit a 3 ft. side yard setback in lieu of the minimum required 10 ft. side setback. be and it is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

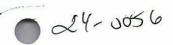
 Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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





10

A A

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 8834 Victory Aue	Currently Zoned D R 5.5
10	Digit Tax Account # 1 4 2 0 6 5 (6 6 7
Owner(s) Printed Name(s) MARY SAWYER + JAM	ies Sawyer
(SELECT THE HEARING(S) BY MARKING X AT THE APPRO	OPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
or Administrative Variances, the Affidavit on the reverse of this Petiti	
	County and which is described in the plan/plat attached hereto and made a page
ADMINISTRATIVE VARIANCE from Section(s)	
BCZR 1B02.3.C.1 to approve a 3 ft setback in side yard	in lieu of the <u>required 10 ft</u> side setback.
t the zoning regulations of Baltimore County, to the zoning law of Baltimore	ore County.
parameter and a construct addition to building)	rsuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of
f the zoning regulations of Baltimore County, to the zoning law of Baltimo	ore County.
roperty is to be posted and advertised as prescribed by the zoning regula we agree to pay expenses of above petition(s), advertising, posting, etc. altimore County adopted pursuant to the zoning law for Baltimore County	and full to the state of the st
wner(s)/Petitioner(s):	
MARY SAWYER , JAMES	R. SAWYER
ame #1 - Type or Print Name #2	2 - Type or Print
mature #1 January January	
8834 Victory Ave Balto	mature #2 (Parkville)
illing Address 1234 , 443 506 - 0711 City	State
O Code Telephone #'s (Cell and Home)	Email Address
torney for Owner(s)/Petitioner(s):	Representative to be Contacted:
me - Type or Print	
ine - Type or Print	Name - Type or Print
nature	Signature
illing Address City State	W
	Mailing Address City State
Code Telephone # Email Address	Zip Code Telephone # Email Address
PUBLIC HEARING having been formally demanded and/or found to	be required, it is ordered by the Office of Administrative Hearings for
Itimore County, this day of, aring, advertised, and re-posted as required by the zoning regulations of	that the subject matter of this petition be set for a public
o, and the posted as required by the zoning regulations of	Bailimore County.
Account of the second	Administrative Law Judge for Baltimore County
se Number 2024-0032-A Filling Date 3	2.4 Entimoted Booting Date 3/6 -1
	24 _ Country Date 212) Ry . Reviewer 12
	Revised 8/2022

closing zupy

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:	8834 VICTORY AVE	E PA	RKVILLE	MD	21234
	Print or Type Address of Pro	perty	City	State	Zip Code
Based up Variance	oon personal knowledge, the fo at the above address. (Clear	ollowing are the facts up	on which I/we ba	se the request for an here)	Administrative
Ap	JE REQUEST A VAR	VEE DE TOURS	WE MAY 1	TAVE AN ADDI	7404
W/1	TH BASEMENT FOR A	in FIDERIX PARE	DEOROOMS 171	11 A Done	DATHROOM
\mathcal{D}_{i}	SABLED NEPHEW,	WHOCE SITUATION	T. DETER	DEATING	OREMENTALLY
	- Morne W	WHOSE SHORTION	SIS DETERI	CHATING	

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v 					
Signature	onal space for the petition re Sauyer of Owner (Affiant) 24 Sawyer int or Type	quest or the above sta	Signature of Ov	R. Sawys Wher (Affiant) R. SAWYER	
Name - Pr	ant or Type		Name - Print or	Туре	
	The following information		y a Notary Puk	olic of the State of	Maryland
I HEREBY	F MARYLAND, COUNTY OF CERTIFY, this	day of TANUARS			tary of Maryland, in
Print name	e(s) here; Rosent R.	THYCHE MANY	I SAWYER A	TAMES SA	WYER
the Affiant((s) herein, personally known o	r satisfactorily identified	to me as such Af	fiant(s):	
Notary Pub	(s) herein, personally known o	al ,	To me as such A	Notan O	

Property Descriptions

PART A (START DESCRIPTION WITH THE FOLLOWING):

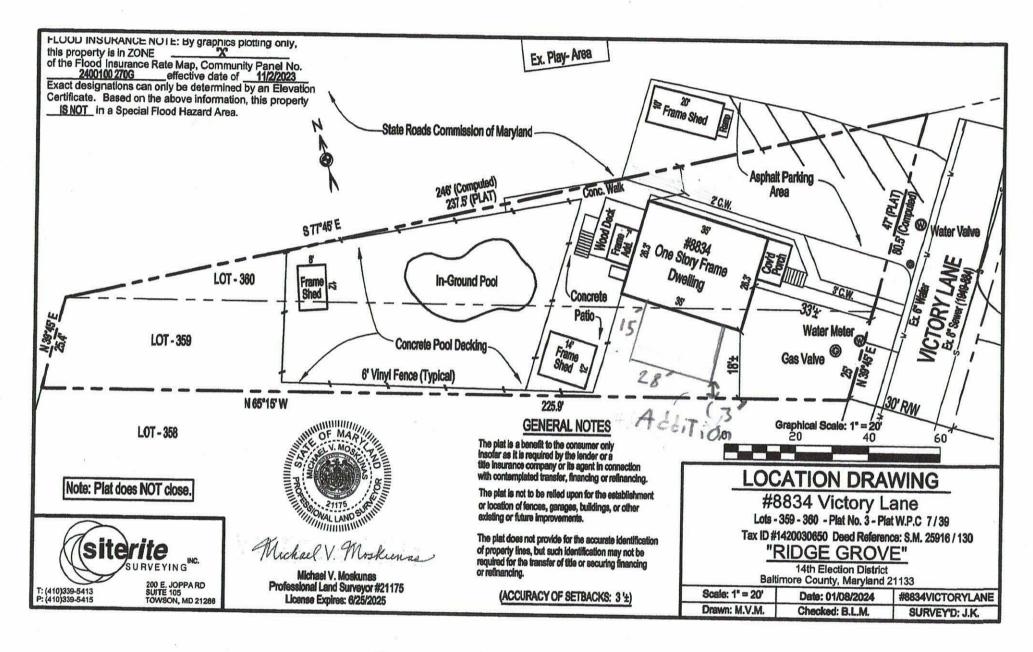
ZONING PROPERTY DESCRIPTION FOR 8834 Victory Ave

*Beginning at a point on the (west) side of (Victory Ave) which is (15') wide at the distance of (1024' +/-) (north) of the centerline of the nearest improved intersecting street (Putty Hill Ave) which is (23') wide.

PART B (CONTINUE DESCRIPTION WITH ONE OF THE FOLLOWING 3 OPTIONS):

OPTION 2: (Subdivision Lot – lot is part of record plat):

Being Lot # (359-360), in the subdivision of as recorded in Baltimore County Plat Book # (3), containing (11,237 Sq Ft). Located in the (14th) Election District and (14th).



DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

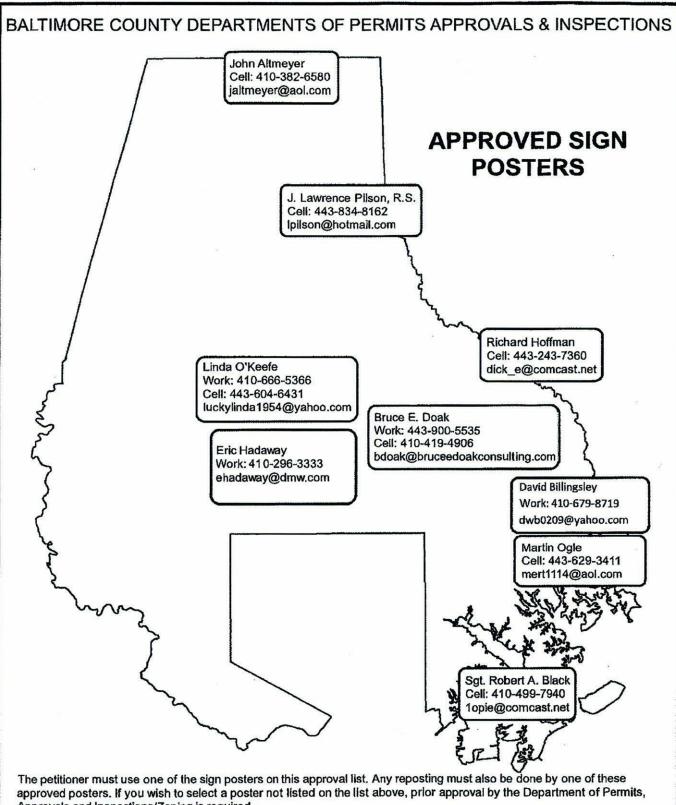
The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on 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: 2024-0032-/+
Property Address: 8834 VICTORY AVE
Legal Owners (Petitioners): Mary / Janes Sqwyer
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: Company/Firm (if applicable):
Address:
Telephone Number:

^{*}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.



approved posters. If you wish to select a poster not listed on the list above, prior approval by the Department of Permits, Approvals and Inspections/Zoning is required.

This department is not associated with any of the above posters, nor do we recommend any specific one. We do suggest that you contact a number of them to compare prices, since their charges may vary.

Rev 9/22/2022

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

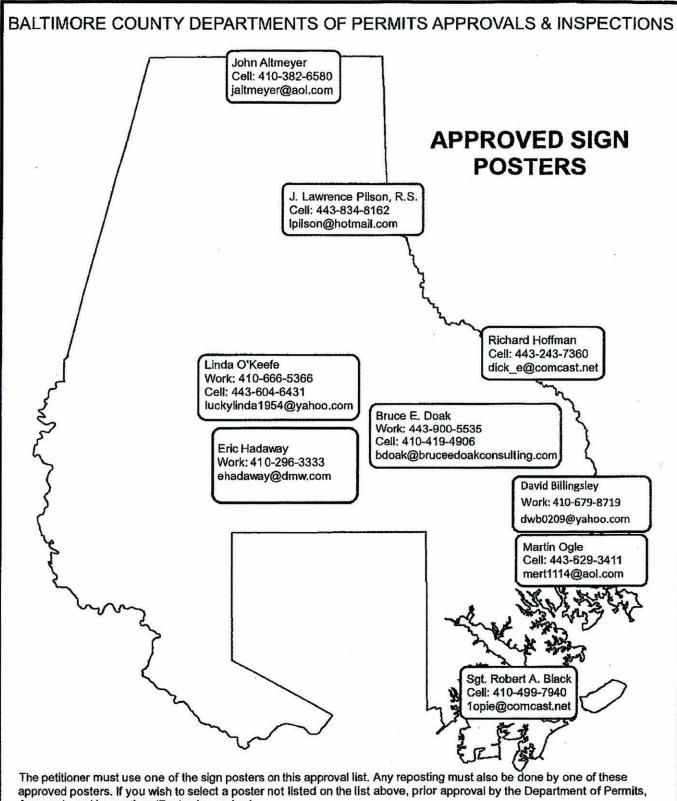
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OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Case Number: 2024-0032-/4
Property Address: 8834 VICTORY AVE
Legal Owners (Petitioners): Mgry / Janes Sqwyer
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: Company/Firm (if applicable): Mary/James Sawyer
Address: 8834 Victory AVE
Telephone Number: 443-506- 0711

^{*}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.



Approvals and Inspections/Zoning is required.

This department is not associated with any of the above posters, nor do we recommend any specific one. We do suggest that you contact a number of them to compare prices, since their charges may vary.

Rev 9/22/2022

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 23, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0032-A

Address: 8834 VICTORY AVE Legal Owner: James & Mary Sawyer

Zoning Advisory Committee Meeting of February 23, 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 DATE: February 21, 2024

Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

Case 2024-0032-A

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

DPR: No comment

DPW-T: The plan submitted with the application shows an existing drive and shed are on property owned by another entity. The existing shed and the portion of the drive should be removed from this property.

Landscaping: No comment.

Recreations & Parks: No Greenways affected.



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 - 1420030650

Owner Information

Owner Name:

SCHOTT MARY LOUISE

RESIDENTIAL Use:

Principal Residence: YES

Mailing Address:

8834 VICTORY AVE **BALTIMORE MD 21234-4212** Deed Reference:

/25916/ 00130

Location & Structure Information

Premises Address:

8834 VICTORY AVE **BALTIMORE 21234-4212** **Legal Description:**

LTS 359,360

8834 VICTORY AVE RIDGE GROVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 3

0071 0021 1141 14030034.04

Plat Ref: 0007/0039

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

650 SF

11,237 SF

ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements STANDARD UNITBRICK/ 4

1 1/2 YES

Value Information

	Base Value	Value As of 01/01/2024	Phase-in Assessments	
			As of 07/01/2023	As of 07/01/2024
Land:	71,200	75,000		
Improvements	184,600	245,000		
Total:	255,800	320,000	255,800	277,200
Preferential Land:	0	0		

Transfer Information

Seller: ANMAD RIAZ Type: ARMS LENGTH IMPROVED Seller: THOMAS LEOCADIA

Date: 07/16/2007 Deed1: /25916/ 00130 Date: 03/10/2006

Price: \$300,000 Deed2: Price: \$167,000

Type: ARMS LENGTH IMPROVED Seller: THOMAS LEOCADIA Type: NON-ARMS LENGTH OTHER Deed1: /23512/ 00001 Date: 12/05/2005 Deed1: /23009/ 00749 Deed2: Price: \$0 Deed2:

Exemption Information

Partial Exempt Assessments: County: State:

Class 000 000

07/01/2023 0.00 0.00

07/01/2024

0.00|0.00 0.00|0.00 Municipal: 000

Special Tax Recapture: None

Homestead Application Information

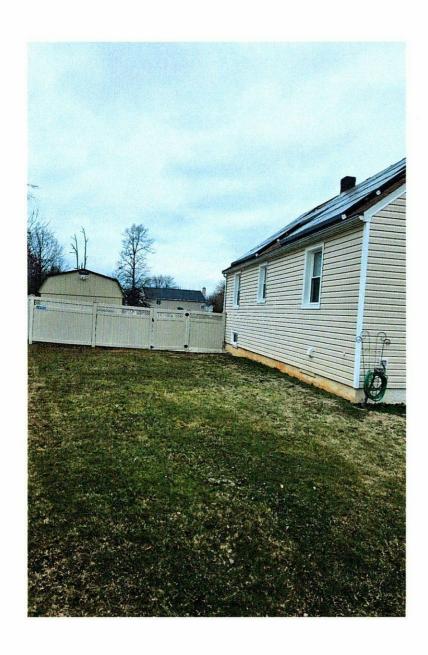
Homestead Application Status: Approved 04/12/2010

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: Application Received Date: 08/28/2023



2024-0032-A





2024-0032-4

