

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

Melinda Allen Hawkins (deceased)
Paige H. Mattke- paigehmattke@gmail.com
16523 Garfield Avenue
Monkton, MD 21111

RE:

Petition for Administrative Variance

Case No. 2024-0035-A

Property: 16523 Garfield Avenue

Dear Ms. Mattke:

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,

MAUREEN E. MURPHY Chief Administrative Law Judge

for Baltimore County

MEM:dlw Enclosure

c: Maureen Copeland - chesapeakedesignco@gmail.com

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE

(16523 Garfield Avenue)

10th Election District * OFFICE OF ADMINISTRATIVE 3rd Council District

Paige Mattke * HEARINGS FOR

* BALTIMORE COUNTY

Petitioner * CASE NO. 2024-0035-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, Paige Mattke ("Petitioner") for the property located at 16523 Garfield Avenue, Monkton (the "Property"). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR"), §1A08.6.B.5.a(1)c and §1A08.6.B.5.a(2), to permit a 25 ft. street right-of-way setback in lieu of 35 ft., and a 55 ft. distance between a principal building in lieu of 80 ft for a proposed 2-story addition. The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1. Street view photographs of the Property were provided. (Pet. Exs. 2A-2D). A My Neighborhood aerial map was also provided showing the shapes of properties. (Pet. Ex. 3). The Property is improved with a 2-story dwelling which was constructed in 1853. The Property is a long and narrow rectangle, unlike other properties in the neighborhood; 100 ft wide by 437.25 ft. in length. It sits between a home at 16519 Garfield Ave. (Parker) which was also constructed in 1853, and a home constructed in 1903 and owned by a Methodist Church at 16527 Garfield Ave. Having been constructed prior to the enactment of the BCZR in 1945, these properties do not meet the RC7 setbacks which zoning was later applied to the properties. Petitioner requests to construct a modest 2-story addition for needed living space as shown on the Site Plan.

A Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability ("DEPS"), received on February 29, 2024, indicating that if zoning variance is granted, the proposed addition must comply with the regulations and requirements of Ground Water Management.

The Petitioner 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 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 Section 307.1 of the BCZR. 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, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR"), §1A08.6.B.5.a(1)c and §1A08.6.B.5.a(2), to permit a 25 ft. street right-of-way setback in lieu of 35 ft., and a 55 ft. distance between a principal building in lieu of 80 ft. for a proposed 2 story addition, be, and it is hereby **GRANTED.**

The relief granted herein shall be subject to the following:

- 1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is are hereby made aware that proceeding at this time is at their 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.
- 2. Prior to issuance of a building permit, Petitioner shall comply with the DEPS ZAC comment which is attached hereto and incorporated herein.
- 3. The Site Plan (Pet. Ex. 1) is attached hereto and incorporated herein.

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

MAUREEN E. MURPHY

Mauren E. Hurphy

Chief Administrative Law Judge

for Baltimore County

MEM:dlw

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 2 9 2024

OFFICE OF ADMINISTRATIVE HEARINGS

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

2024-0035-A

Address:

16523 GARFIELD AVE

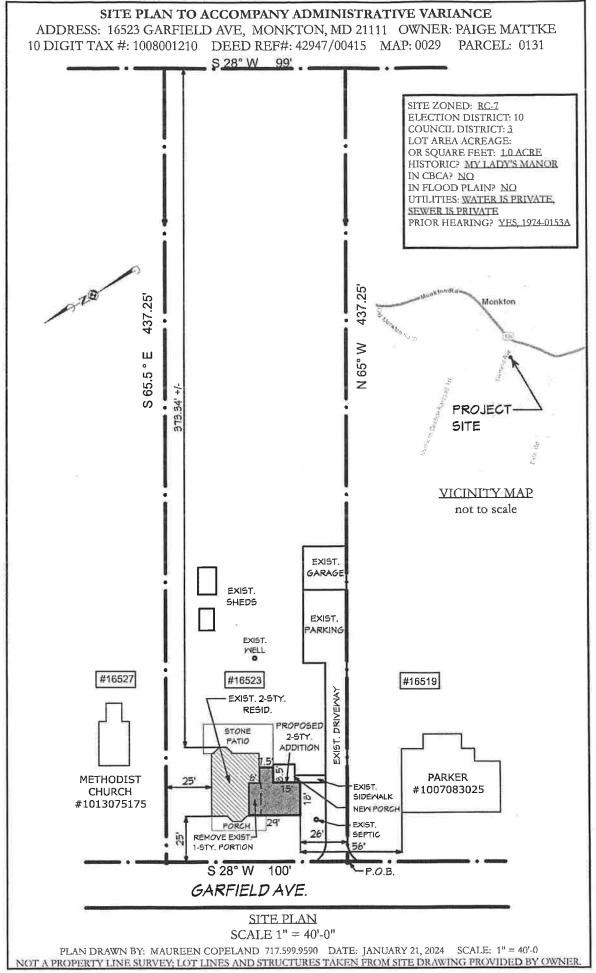
Legal Owner: Paige Mattke

Zoning Advisory Committee Meeting of February 23, 2024.

- \underline{X} The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
- 1. If zoning variance is granted, the proposed addition must comply with the regulations and requirements of Ground Water Management.

Additional Comments:

Reviewer: Rochelle V. Underwood





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_	16523 Garfie	eld Avenue	, Mo	nkton, MD 2111	1		Currently Ze	oned_RC-7	
Deed Refe	erence	42947	. /	00415	_ 10 Digit Ta	x Account#	1008001210		
Owner(s)	Printed Name(s)	Melinda	Aller	n Hawkins					
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I/ we agree	to pay expenses	of above peti	ition(s	cribed by the zoning), advertising, posting g law for Baltimore	o, etc. and fur	ther agree to be	bound by the zoni	ing regulations and	restrictions of
Owner(s)/Petitioner(s):		Λ>			r f .		
Melind	la Allen Hawki	ns (Pec	00	sed) [20160	H May	460		
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				1 10	early	all offici			
Signature #					Signature #				
Mailing Add	Garfield Aven	ue		Monk City	αon	MD State			
21111		309-3720		City	, paige	ehmattke@gn	nail.com		
Zip Code	Tele	ephone #'s (C	ell and	d Home)		il Address			
Attorney	for Owner(s)/P	etitioner(s)	:			Representati	ive to be Conta	cted:	
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A PUBLIC	HEAKING NAVIN	j been torma	ally de	emanded and/or fo	und to be req	uired, it is orde	red by the Office of	of Administrative He	arings for
Baltimore (hearing ad	County, this	day of	ired h	y the zoning regula	tions of Baltim	that the s	ubject matter of th	is petition be set for	a public
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						Clasing	1 26	124	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:	16523 Garfield Avenue	Monkton	MD	21111
- 10-01	Print or Type Address of Property	City	State	Zip Code
	on personal knowledge, the following are at the above address. (Clearly state pra			Administrative
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(If addition	onal space for the petition request or the	e above statement is needed	, label and attach i	
Signature	of Owner (Afflant)	Signature of Owr	ner (Affiant)	
Pa	igo H Mastre			
Name - P	rint of Type	Name - Print or 1	уре	
	The following information is to be c	ompleted by a Notary Publ	ic of the State of	Maryland
STATE O	F MARYLAND, COUNTY OF BALTIMOR	RE, to wit:		
	Y CERTIFY, this 18 day of 20 day of	January , 2024	, before me a No	otary of Maryland, in
Print nam	e(s) here: Paige H. Ma	HEE		
the Affian	t(s) herein, personally known or satisfacto	rily identified to me as such Aff	iant(s),	
AS WITN	ESS my hand and Notaries Seal	DIVYESH PATEL NOTARY PUBLIC		
Notary Pu		BALTIMORE COUNTY MARYLAND COMMISSION EXPIRES 01/13/2026		

My Commission Expires

ZONING PROPERTY DESCRIPTION FOR 16523 GARFIELD

Beginning at a point at the Southeast side of Garfield Avenue, approximately two hundred (200) feet southwest of Monkton Road and thence running the (4) following courses and distances:

- 1. S 65.5° E 437.25'
- 2. S 28° W 99'
- N 65° W 437.25'
 N 28° E 100' to the place of beginning

10th Election District
3 & Councilmanic District

2024-0035-A

BOOK: 42947 PAGE: 415

16523 Garfield Rd. 1008001210

DEED

THIS DEED, Made this 12th day of March, 2020 by and between Melinda Allen Hawkins (F. Warren Hawkins having departed this life in 1993), Grantor and Melinda Allen Hawkins and Paige Hawkins Mattke, her daughter, Grantees:

WITNESSETH, that for no monetary consideration, the said Grantor hereby grants and conveys unto the Grantees, in fee simple, their assigns, all that property situate in Baltimore County, State of Maryland, described below, reserving, however, unto the Grantor, a Life Estate, for and during the term of her natural life, with the absolute right and full power to give, grant, assign, convey, sell, mortgage, lease, limit or otherwise dispose of the entire and absolute estate, except by Last Will and Testament, including both Life Estate and remainder therein, or any part, portion or interest hereof, without the joinder of the Remaindermen herein, and to apply or consume for her own use, the proceeds of such conveyance, assignment, sale, mortgage or lease, without the necessity of the Vendee, Assignee, Mortgagee or Lessee seeing to the application of such proceeds, as if this Deed had never been executed, said property being described as follows:

Beginning for the same at a stone on the South side of the Old County Road a boundary also of Lewis Parsons Land and running with said part South 28 degrees West 6 perches and one foot to a boundary of Lot No. 2 and thence with said Lot reversely South 65 ½ degrees East 26 ½ perches to another boundary set on the outlines of the whole parcel, thence with said line North 28 degrees East 6 perches to intersect an outline of the whole parcel and thence with it reversing said original outline North 65 degrees West 26 ½ perches to the beginning. Containing one acre of land, more or less.

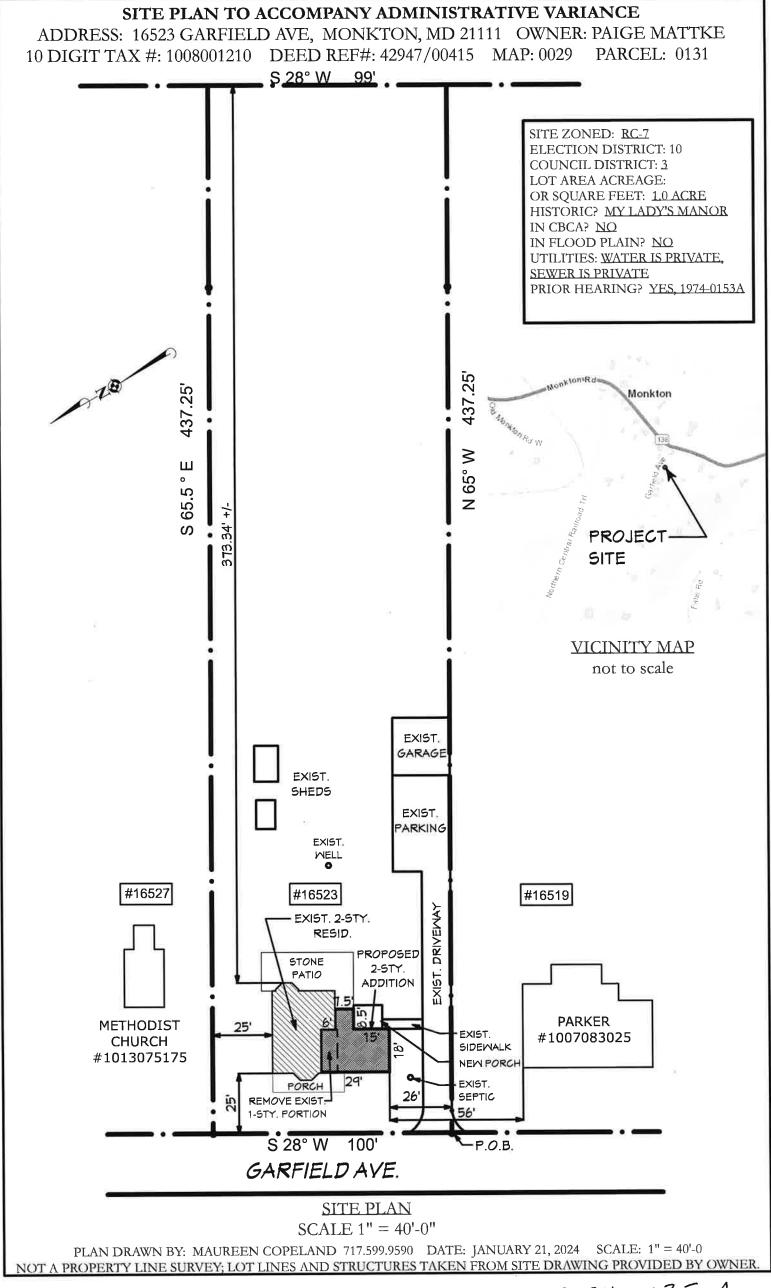
BEING the same property which by Deed dated November 5, 1986 and recorded among the Land Records of Baltimore County in Book No. 7408, Page 556, from F. Warren Hawkins and Melinda Allen Hawkins to F. Warren Hawkins and Melinda Allen Hawkins, Grantor herein.

TOGETHER with the improvements thereto and the rights and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the said property and premises unto and to the use of the said Grantees, in fee simple, their assigns, reserving, however, unto the Grantor, a Life Estate, for and during the term of her natural life, with the absolute right and full powers as set forth above.

AND the said Grantor covenants that she will warrant specially the property hereby conveyed and that she will execute such further assurances of said land as may be requisite.

2024-0035-A



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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2024 - 0035 A Address 16523 Garfiell Avenue	
Contact Person: M, + L Collman Phone Number: 410-887-3391	
Plannet, Please Print Your Name	
Filing Date: 2/2/24 Posting Date: 2/1/24 Closing Date: 2/21/24	
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.	£
I. 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 this sign posters on the approved list and the petitioner is again responsible for all associated costs. The remain potice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.	ē,
Z. DEADLINE: The closing date is the deadline for a neighbor loccupant or owner) within 1000 feet to fill a formal request for a public hearing. Please understand that even if there is no formal request for public hearing the process is not complete on the closing date.	ë. a
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 if for a public hearing. If all County/State agencies comments are received, you will receive writte notification as to whether the perition 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 yo by Prist Class mail.	2. 10
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative law lodge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, this and location. As when the sign was priginally posted, certification of this change and a photograph the aftered sign must be forwarded to this office.	ie.
Petitioner: This Part of the Form is for the Sign Poster Only (perach Along Dotted Line)	
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT	
Case Number 2024 - 0035-A Address 16523 Parfiell Avenue	2
Petitioner's Name: Parge H. Matthe Telephone (Cell) 469-369-359 Posting Date: 2/11/24 Closing Date: 2/26/24 717-599-959	126
Posting Date: 2/1/24 Closing Date: 2/36/24	
Wording For Sign: To Permit a 25 - Poot street right - of - way	_
schlack in lien of 35 feet and a 55-foot distan	u
between a principal building in lieu of 80 feet	-
for a proposel 2 - story allition.	-
	_
Revised 1/20	122

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS.



CERTIFICATE OF POSTING

Date: 2-11-24 RE: Case Number: 2024-0035-A Petitioner/Developer: Matthe Date of Hearing/Closing: 2-26-24 This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 16523 Garfield toe The signs(s) were posted on $2 - (1-24)^{-1}$ (Month, Day, Year) J. LAWRENCE PILSON (Printed Name of Sign Poster) ATTACH PHOTGRAPH 1015 Old Barn Road (Street Address of Sign Poster) Parkton, MD 21120 (City, State, Zip Code of Sign Poster)

410-343-1443

(Telephone Number of Sign Poster)

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 # 2024-0035-A

Address: 16523 GARFIELD AVE

Legal Owner: Paige Mattke

Zoning Advisory Committee Meeting of February 23, 2024.

- \underline{X} The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
- 1. If zoning variance is granted, the proposed addition must comply with the regulations and requirements of Ground Water Management.

Additional Comments:

Reviewer: Rochelle V. Underwood

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 2024-0035-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 change

Recreations & Parks: No Greenways affected.

PICTURES TO ACCOMPANY VARIANCE FOR 16523 GARFIELD AVE.



Front view of property



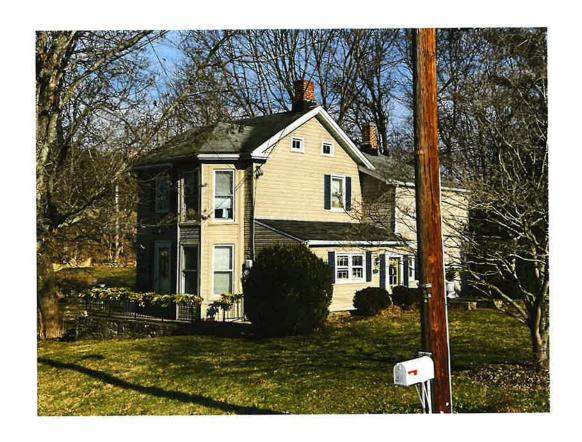
Side view of property



Rear yard of property

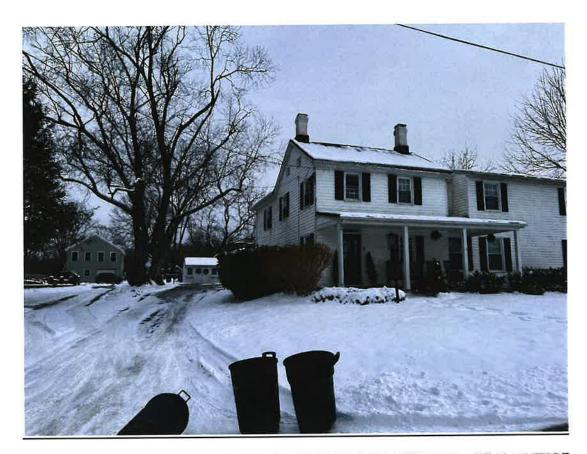


Side yard of property





Adjacent property at 16527 Garfield





Adjacent property at 16519 Garfield

Real Property Data Search () Search Result for BALTIMORE COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier:

District - 10 Account Number - 1008001210

Owner Information

Owner Name:

HAWKINS MELINDA ALLEN Use:

RESIDENTIAL

Mailing Address:

16523 GARFIELD AVE

Principal Residence:YES Deed Reference:

/42947/ 00415

MONKTON MD 21111

Location & Structure Information

Premises Address:

16523 GARFIELD AVE

Legal Description: LT ES GARFIELD AVE

MONKTON 21111-

100 SW MONKTON MANOR RO

Map: Grid: Parcel: Neighborhood:

10040045.04

Subdivision:

Section: Block: Lot: Assessment Year:

Plat No:

0029 0001 0131

0000

Plat Ref:

Town: None

2023

1,761 SF

Stories Basement Type

ExteriorQualityFull/Half BathGarage

Last Notice of Major Improvements

NO

STANDARD UNITSIDING/4

1 full

1 Detached

Value Information Value

As of

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

162,000	

Base Value

Phase-in Assessments As of 07/01/2024 01/01/2023 07/01/2023

315,500

225,000 Land: 133,200 131,100 Improvements 356,100 Total: 295,200

Preferential Land: 0

Transfer Information

Seller: HAWKINS F WARREN

Type: NON-ARMS LENGTH OTHER

Date: 06/09/2020 Deed1: /42947/ 00415 Price: \$0 Deed2:

Seller: ELLIOTT WILLIAM MRS Type: ARMS LENGTH IMPROVED Date: 05/15/1963 Deed1: /07408/ 00556 Price: \$4,000 Deed2: Price:

Deed2:

335,800

Date: Seller: Deed1: Type:

Exemption Information

Partial Exempt Assessments: Class County:

07/01/2023 0.00 000 0.00 0.00|0.00 000

07/01/2024

0.00|0.00

Municipal: Special Tax Recapture: None

State:

Homestead Application Information

Homestead Application Status: Approved 10/22/2008

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No ApplicationDate:

2024-0035-A

