



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

May 6, 2024

Joshua and Laura Abzug – jabzug1@yahoo.com
16816 Gerting Road
Monkton, MD 21111

RE: Petitions for Special Hearing & Variance
Case No. 2024-0048-SPHA
Property: 16816 Gerting 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 black ink, appearing to be "DJB", written over a horizontal line.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dml
Enclosure
C: *See Next Page*

Case No. 2024-0048-SPHA
Property: 16816 Gerting Road
Page – 2-

Austin Childs - achildsaia@msn.com
Henry Pitts- henrypitts47@gmail.com
Jennifer Moore- jsethmoore@gmail.com
Joshua Abzug- jabzug@som.umaryland.edu
Maryanna Skowronski- admin@themanorconservancy.org
Peter Charchalis- pcharchalis@hotmail.com
Tom Moore- tmoore@ggaylordbrooks.com
Bill Pearce - fly21111@comcast.net
Joanna Porter- joannaporter@verizon.net
Martin Porter- mfpknight@yahoo.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE RELIEF		
(16816 Gerting Road)	*	OFFICE OF
10 th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
Joshua and Laura Abzug		
<i>Legal Owners</i>	*	FOR BALTIMORE COUNTY
 Petitioners	 *	 Case No. 2024-0048-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance relief filed on behalf of Joshua and Laura Abzug, legal owners (“Petitioners”), for the property located at 16816 Gerting Road, Monkton, Baltimore County, Maryland (the “Property”). Special Hearing relief is requested under the Baltimore County Zoning Regulations (“BCZR”) § 500.7 to permit an accessory building (barn) to be larger in footprint and square footage than the principal building (dwelling), and variance relief is requested under BCZR § 400.3 to permit an accessory building (barn) to have height of 32 feet in lieu of the required maximum 15 feet; BCZR § 400.1 to permit an accessory building (barn) to be located in the front yard of a principal use in lieu of the required rear yard; BCZR § 400.3 to permit an accessory building (garage) to have a height of 30 ft. in lieu of the required height of 15 ft.; and BCZR § 400.1 to permit an accessory structure (pool) to be located in the side yard of a principal use in lieu of the required rear yard. Petitioner submitted an amended Site Plan on April 1, 2024. Further, Petitioner amended the requested relief at the hearing to permit an accessory building (garage) to be larger in footprint and square footage than the principal building (dwelling).

A public hearing was conducted on April 8, 2024, using the web-based platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner, Joshua

Abzug, appeared at the hearing and was assisted by Bruce E. Doak of Bruce E. Doak Consulting, LLC, a licensed surveyor. Community members Bill Pearce, Joanne Porter, Martin Porter, Peter Charchalis, Austin Childs, and Tom Moore appeared and offered testimony in opposition to the requested relief. On behalf of The Manor Conservancy, Maryanna Skowronski and Henry Pitts also provided testimony. The following exhibits were submitted by Petitioner and admitted into the record: (1) Site Plan (Amended); (2) SDAT Report; (3) GIS; (4) GIS aerial photo; (5) Site Photos (A-L); (6) Architectural elevations; and (7) Manor Conservancy approval letter. The following exhibits were received from county agencies and admitted into the record: (1) A Zoning Advisory Committee (“ZAC”) comment from the Department of Planning (“DOP”); (2) Department of Environmental Protection & Sustainability (“DEPS”) comments; and (3) Development Plans Review (“DPR”) comments. County reports do not indicate any objection to the relief requested.

Findings of Fact

The Property is 13.0 acres in land area and is zoned RC-2. The Property is improved with a single-family dwelling and accessory structures. The parcel is significantly sloped from its center outwards towards its perimeter and is roughly triangular in shape bounded by Gerting Road to the northeast and Shepperd Road to the southwest. *See* Pet. Exh. 3. The parcel is rural in character and enjoys substantial tree cover with surrounding uses being predominantly agricultural and large lot residential. *See* Pet. Exh. 4. The Property is currently encumbered by a conservation easement held by The Manor Conservancy.

The proposed garage addition will be approximately 40' (w) x 90' (l) x 30' (h) and although connected to the existing garage will be used for storage accessory to the residential use. The garage addition will be located in close proximity to the existing single-family home in the center

of the property to the northwest of the existing single-family dwelling. The proposed pole barn was reduced from 100' (w) x 100' (l) x 32' (h) to 60' (w) x 100' (l) x 32' (h) and will be used as a sport court for residential recreational use only. The pole barn will be located towards the bottom of the sloped hill and southern portion of the property approximately 99' from Shepperd Road. The proposed in-ground pool will be located in the side yard in lieu of the required yard to the northeast of the existing single-family dwelling.

Mr. Abzug testified that the Property is his family's primary residence. The improvements are requested to house his hobbies and to provide recreational facilities for his family. Mr. Abzug testified that the proposed garage addition, specifically the height, is necessary to store historic fire engines in his collection and to protect them from the elements. Mr. Abzug stated that the new barn would have exterior lighting consistent with residential use and would be directed towards the house or towards the building itself and not towards Shepperd Road. Mr. Abzug was amenable to enhancing the existing vegetative buffer along Shepperd Road to further obstruct views of the pole barn from neighboring properties.

Mr. Doak testified that the Abzugs own two adjacent parcels of land, the subject parcel of 13 acres and a smaller parcel of .28 acres. The property is utilized and maintained residentially and has no current agricultural use. Mr. Doak opined that the property is inherently unique because of its shape and topography, with the single-family home and most improvements sitting atop a steep hill. Mr. Doak explained that the buildable areas of the parcel are limited because of the sloping topography of the primary parcel. Mr. Doak described the proposed barn as a bank barn which will utilize the slope of the hill in its design such that the primary entrance will front the single-family home and a secondary entrance will provide access to a smaller portion of a partially subgrade floor used for storage. Massing will appear greater from Shepperd Road and lesser from

the single-family home or eastern portion of the parcel. *See* Pet. Exhs. 6 & 7. Mr. Doak stated that neighboring parcels are improved by mostly single-family homes but most residences are not within close proximity to the proposed improvements. *See* Pet. Exhs. 3 & 4. Mr. Doak also stated that both the topography and dense vegetation and wooded acreage would obscure some viewshed from neighboring properties of the proposed buildings. Mr. Doak stated that the Abzugs decided not only to minimize the footprint of the barn from a width of 100 ft. to a width of 60 ft. but the roof pitch was also decreased to limit the height. Mr. Doak opined that an agricultural barn would commonly have a steeper roof pitch with added height to accommodate that pitch. Mr. Doak further testified that many barns in northern Baltimore County are comparable or exceed the size and height of the proposed garage addition and pole barn.

The Property is encumbered by a conservation easement held by The Manor Conservancy. On behalf of The Manor Conservancy, Maryanna Skowronski and Henry Pitts testified that the Conservancy does not object to the proposed improvements and opined that the improvements proposed do not violate the terms or spirit of the easement agreement.

Joanna Porter, a neighboring property owner, testified that she will be able to view the proposed improvements. Ms. Porter stated that the proposed improvements would ruin the integrity of the property, the community, and the character of Gerting Road and Shepperd Road as small country roads. Ms. Porter further stated that she had previously owned this property and had moved for purposes of obtaining a larger property with additional barns as the property is not conducive to the proposed improvements. Mr. Porter testified that the existing vegetative buffer is insufficient to effectively screen the proposed improvements from neighboring properties. He further requested lighting restrictions along Shepperd Road and objected to height variances for either the garage addition or the pole barn.

Mr. Tom Moore testified to his concerns regarding exterior lighting and the size and location of the proposed pole barn. He recommended restrictions regarding lighting and additional screening to further obstruct views from neighboring properties.

Peter Charchalis, a neighboring residential property owner to the southwest of the subject property, testified regarding his concerns over the lack of a more substantial vegetative buffer, potential light disturbance, and the substantial height requested under the Petition. Mr. Charchalis further stated that the proposed buildings were not in keeping with the character of the community and challenged the consent of The Manor Conservancy per the terms of the existing conservation easement.

Bill Pearce, a neighboring residential property owner, challenged the terms of the conservation easement. Mr. Pearce also asserted that the pole barn will be clearly visible for eastbound traffic on Shepperd Road. Because of its massing and height, Mr. Pearce asserted that “it will stick out like a sore thumb.” Mr. Pearce also opined that existing vegetative screening is insufficient to obscure views from Shepperd Road or from neighboring property owners. Mr. Pearce added that the pole barn is “not in keeping with the character of the community.”

Austin Childs, an adjacent residential property owner along the northern property line of the subject property, testified about community concerns regarding the scale and massing of the proposed garage addition which will be visible from his property, as well as the proposed pole barn that will be visible from Shepperd Road.

Conclusions of Law

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

This Petition requests Special Hearing relief under BCZR § 500.7 to permit an accessory building (barn) and an accessory structure (garage) to be larger in footprint and square footage than the principal building (dwelling). The proposed garage addition expands the footprint of the existing garage to exceed the square footage of the principal dwelling and the new barn on the southern portion of the property will also exceed the square footage of the principal dwelling. Based upon the evidence submitted at the hearing, I find that Special Hearing relief should be granted and that such relief is within the spirit and intent of the BCZR.

The Property is a large RC-2 zoned residential lot located in a rural area of northern Baltimore County with substantial unimproved acreage and tree cover. Petitioner testified that the

garage expansion is necessary for storage of personal hobby items that for structural reasons cannot be accommodated in the existing garage. Further, the garage addition expands and largely matches the existing garage and, importantly, matches the existing garage's orientation, mitigating its visual impact from neighboring properties on surrounding ridges, knolls, or hilltops. The resulting expanded garage will not unduly disturb or take away from the rural character of the lot.

Petitioner testified that the proposed pole barn will be used exclusively for personal and family recreation. The proposed pole barn shares architectural elements with agricultural barns in keeping with compatible design for accessory structures on rural properties. The pole barn will be located "down lot" from the single-family home at a lower elevation which limits visibility from neighboring lots. The pole barn is to be used for residential purposes only and although large in size and scale is not out of proportion from nearby agricultural buildings that would otherwise be exempt under BCZR § 300.1.

The topography of this parcel limits the areas in which structures can be erected and the proposed locations for the garage addition and pole barn were chosen to locate these structures either away from neighboring residences or in close proximity to already built structures. During much of the year buildings on the property will be at least partially obscured by existing vegetation located throughout the parcel and from perimeter trees and underbrush. The proposed design of both the expanded garage and the pole barn will be compatible with similar structures like barns and other agricultural buildings common in northern Baltimore County. For these reasons, the Petition is compatible with the community and generally consistent with the spirit and intent of BCZR.

VARIANCE(S)

Pursuant to BCZR § 1A01.2.B.8.(h), accessory structures are permitted in RC-2 zones but are regulated under the BCZR § 400 bulk regulations. Pursuant to BCZR § 1A01.3, no structure erected in an R.C.2 Zone shall exceed a height of 35 feet. The Petition requests the following variance relief: (1) BCZR 400.3 to permit an accessory building (barn) to have height of 32 feet in lieu of the required maximum 15 feet; (2) BCZR § 400.1 to permit an accessory building (barn) to be located in the front yard of a principal use in lieu of the required rear yard; (3) BCZR § 400.3 to permit an accessory building (garage) to have a height of 30 feet in lieu of the required height of 15 ft.; and (4) BCZR 400.1 to permit an accessory structure (pool) to be located in the side yard of a principal use in lieu of the required rear yard.

An accessory building's height is "[t]he height of the highest point on a building or other structure as measured by the vertical distance from the highest point on the structure to the horizontal projection of the closest point at exterior grade." BCZR § 101.1 (Building Height). For the pole barn, because of the slope of the land, this results in a building height that is measured from the east elevation resulting in a proposed height of 32 ft. While looking at the structure from the west or south results in a visual height of 40 ft., 3 in., it is the east elevation that is used for purposes of a variance calculation under BCZR. This same methodology is used for the proposed garage addition resulting in the proposed height of 30 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).

The Property is uniquely shaped as triangular or "arrow-headed" and is bounded to the northeast by Gerting Road and to the southwest by Shepperd Road, both of which run along the entirety of the property. The parcel is substantially sloped with steep grades facing west, north, and east, with a lesser slope facing south. Existing structures, including the existing single-family home originally constructed in 1915, are constructed on the relatively flat "top of the hill" in the center of the property. Substantial buffers and setbacks exist from existing structures to neighboring parcels measuring hundreds of feet. Neighboring parcels have existing residences and agricultural buildings, the closest of which are located proximate to the southern portion of the parcel which remains unimproved. The property has substantial tree cover and landscaping.

I find that this property is unique and that special circumstances or conditions exist that are peculiar to this property where strict compliance with the Zoning Regulations for Baltimore County with respect to maximum building height and locations within required yards would result in practical difficulty. It is the property's steep slope, peculiar shape, and topographical features that create a practical difficulty in complying with the RC-2 bulk regulations and yard requirements for the garage, barn, and pool. The parcel's unique features limit the buildable areas

on the lot and create conditions on which variances are necessary to afford relief as denial would substantially limit the ability to construct the proposed improvements. The garage addition and pool are sited in the front and side yards respectively because of existing improvements, the orientation of the existing single-family home, and the limited buildable area created by the steeply sloped parcel resulting in “hilltop” construction. The proposed locations are necessary because of these siting limitations. Further, the land’s slope creates the conditions that lead to the type of construction proposed, that of a bank barn or similar “basement barn,” resulting in building heights above the 15 ft. height maximum but within the 35 ft. maximum prescribed for RC-2 zoned properties generally¹. The proposed height of the pole barn (32 ft.) and the garage (30 ft.) remain less than the maximum permitted height for accessory structures in RC-2 zoned properties.²

I also find that the requested variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare. While the proposed pole barn’s height will be imposing from vantage points to the south and west, it will largely be obscured from view entirely from the north and east because of the land’s slope and topography. The proposed garage addition will be 30 ft. in height and while substantial tree cover will help obscure views of the garage from vantage points west and south, it will remain visible from most other vantage points at elevation. However, the garage addition expands and largely matches the existing garage and, importantly, matches the existing garage’s orientation, mitigating its visual impact from neighboring properties on surrounding ridges, knolls, or hilltops. For these reasons, both the pole barn and garage addition will be no more imposing than many similarly sized agricultural barns or accessory structures throughout northern Baltimore County. Moreover,

¹ While residentially zoned properties have an accessory structure height restriction of 15 ft., RC-2 zoned properties like the subject property have a height restriction of 35 ft. BCZR § 1A01.3. Nonetheless, this property remains subject to the bulk regulations of residential zones pursuant to BCZR § 1A01.2.B.8.(h).

² BCZR § 1A01.3.

the proposed pole barn shares architectural elements with agricultural barns in keeping with compatible design for accessory structures on rural properties. The pole barn will be located “down lot” from the single-family home at a lower elevation which limits visibility from neighboring lots. Moreover, the proposed location was chosen to locate the barn away from neighboring residences. During much of the year the property will be partially obscured by existing vegetation located throughout the parcel and from perimeter trees and underbrush.

If the proposed garage addition and pole barn were used for agricultural purposes and not residential purposes, they would be allowed by right pursuant to BCZR § 1A01.3 in keeping with the rural and agricultural character of the community. Their use for residential instead of agricultural purposes remains within the spirit and intent of the BCZR and does not impact the health, safety or general welfare.

THEREFORE, IT IS ORDERED this 6th day of **May, 2024** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to BCZR §500.7 to permit an accessory building (barn) to be larger in footprint and square footage than the principal building (dwelling) it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED that the Petition for Special Hearing pursuant to BCZR §500.7 to permit an accessory building (garage) to be larger in footprint and square footage than the principal building (dwelling) it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED that Variance relief from BCZR, §400.3 to permit an accessory building (barn) to have height of 32 feet in lieu of the required maximum 15 feet, be and it is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Variance relief from BCZR §400.1 to permit an accessory building (barn) to be located in the front yard of a principal use in lieu of the required rear yard, be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Variance relief from BCZR §400.3 to permit an accessory building (garage) to have a height of 30 feet in lieu of the required height of 15 ft., be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Variance relief from BCZR §400.1 to permit an accessory structure (pool) to be located in the side yard of a principal use in lieu of the required rear yard, 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. Petitioners' Site Plan (Pet. Ex. 1) attached hereto is incorporated into this Order;
3. Petitioners shall make reasonable efforts to evaluate whether additional vegetative screening would be beneficial in providing enhanced screening for all accessory buildings from Shepperd Road and from neighboring properties up to and including native coniferous and deciduous tree plantings;
4. Petitioners and/or subsequent owners shall not use or convert any accessory building into a dwelling unit or apartment except under proper permit. Any such request constitutes a material amendment to this approval. The proposed barn and garage shall not contain any sleeping quarters, living areas, or kitchens;
5. Accessory buildings shall not be used for commercial or industrial purposes;
6. Accessory buildings shall not have separate water, utility, or electric connections and shall connect to said services in the home unless said water, utility, or service providers find it necessary or advisable for capacity, safety, or other similar reasons to provide for separate connections and/or meters;

7. Petitioners shall comply with the DPR/DPWT/DEPS ZAC comments which are attached hereto and made a part hereof.

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

A handwritten signature in black ink, appearing to be 'DJB' with a stylized flourish.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB/dlm

GENERAL SITE INFORMATION

- Ownership: Joshua A. Abzug & Laura C. Abzug
- Address: 16816 Gertling Road Monkton, MD 21111
- Acres: 3.00
- Parcel ID: 3300004419 & SDMT
- Tax Map / Parcel / The account #: 233 / 113 / 10-08-030175
- Election District: 10 Councilmanic District: 3
- ADC Map: G15 title: 02383 Position sheet: 105NE6
- Census tract: 410100 Census block: 24005410100
- Schools: Sparks ES Hereford MS Hereford HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS files 02383 and the information provided by Baltimore County on the internet.
- Improvements: Two story dwelling & barn. The existing improvements will remain.
- The subject property is in a Conservation Easement with The Manor Conservancy, Inc. SA 13572744.

OFFICE OF ZONING

Zoning: RC 2

Zoning history: None

RC 2 setbacks for a residence:

Front: 75 feet from centerline of the street or road
Side / Rear: 35 feet from the property line

Setback for accessory structures: 2.5 feet from a property line

ENVIRONMENTAL IMPACT

Wetlands: Little River Reservoir. MDC land type: 1

- The existing dwelling is served by a private well and septic system.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

OFFICE OF PLANNING

Regional Planning District: Jacksonsville District Code: 305

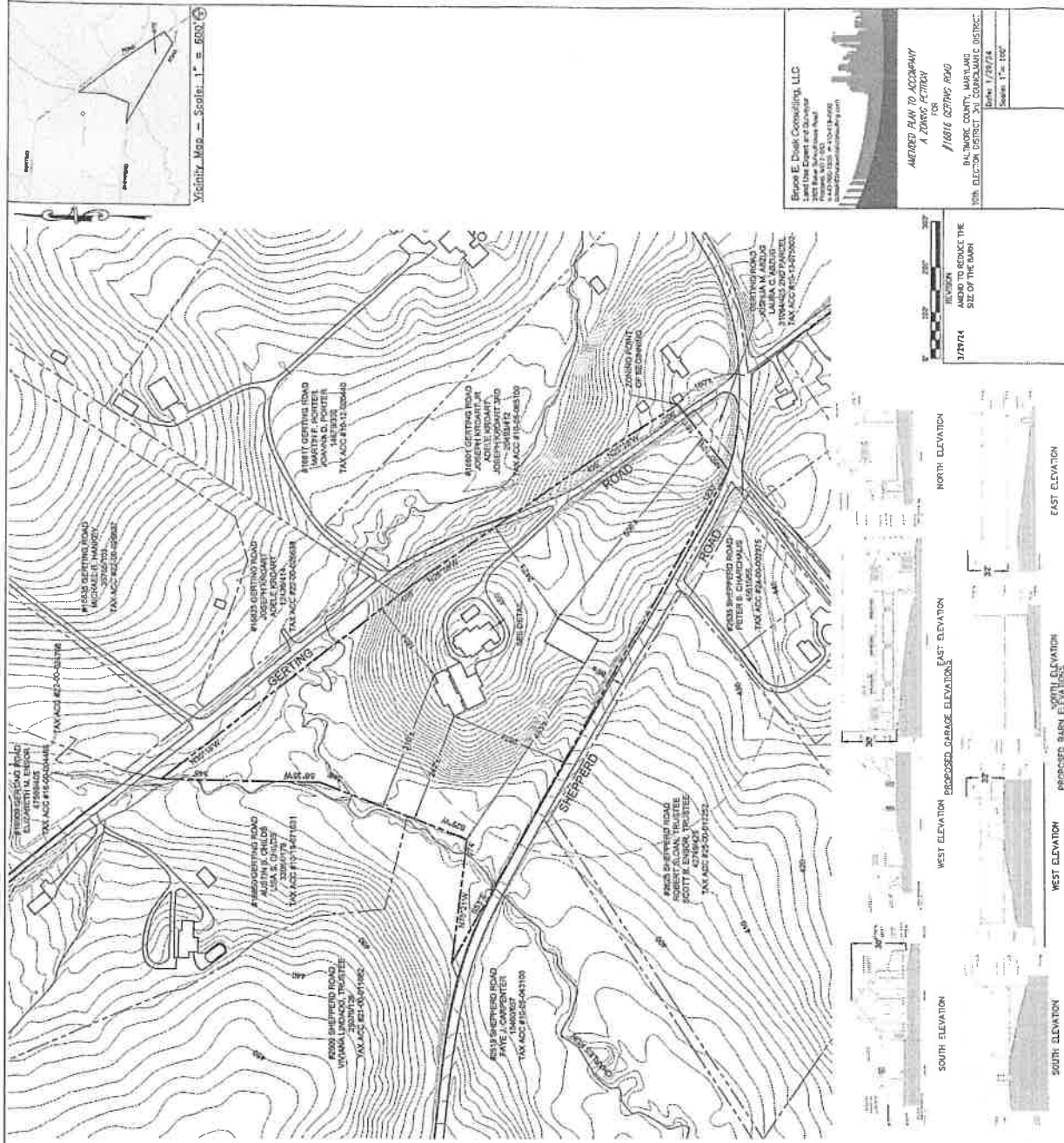
- The subject building is not historic. The subject property is not in a historic district.
- Growth Tier: 4

PROPOSED DEVELOPMENT

Construct a garage and barn for residential use
Install a pool for residential use



DETAIL - N.T.S.



Baron E. Dink Consulting, LLC
16816 Gertling Road
Monkton, MD 21111
Phone: 410-777-0001
Fax: 410-777-0002
Email: info@barondink.com
Website: www.barondink.com

AMENDED PLAN TO ACCOMPANY
A ZONING PETITION
FOR
16816 GERTLING ROAD
BALTIMORE COUNTY, MARYLAND
10th ELECTION DISTRICT 2nd COMPLEMENTAL DISTRICT
Date: 1/28/14
Scale: 1" = 100'

3/27/14
AMEND TO RESOLVE THE
SHEPHERD ROAD
SIDE OF THE BARN

Per. Ex. #1 Approved Plan

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 3/13/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0048

INFORMATION:

Property Address: 16816 Gerting Road
Petitioner: Joshua M. and Laura C. Abzug
Zoning: RC-2
Requested Action: Special Hearing and Variance

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

Special Hearing -

- a. To permit an accessory building (barn) to be larger in footprint and square footage than the principal building (dwelling)

Variance -

- a. To permit an accessory building (barn) to have height of 32 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR
- b. To permit an accessory building (barn) to be located in the front yard of a principal use in lieu of the required rear yard per Section 400.1 BCZR
- c. To permit an accessory building (garage) to have height of 30 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR
- d. To permit an accessory structure (pool) to be located in the side yard of a principal use in lieu of the required rear yard per Section 400.1 BCZR

The subject property is located on the corner at the intersection of Gerting Road and Shepperd Road. The property consists of 13.00 acres in the Monkton area of Baltimore County. The property is currently improved with a detached dwelling. Other residential dwellings, forest conservation, and farms surrounds the property.

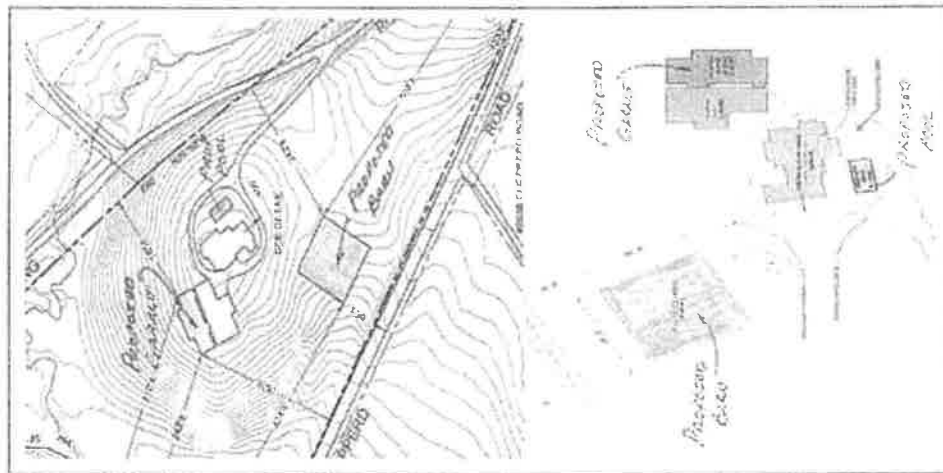
The RC-2 zone is a zoning district established to preserve the rural character of the area and promote low-density residential development. This district is intended to maintain the natural beauty and peacefulness of the surrounding countryside, while providing for compatible land uses and development patterns. The proposed relief is in harmony with the spirit and intent of the RC-2 zoning regulations. The requested use adheres to the zoning requirements and standards since it does not seek to alter the existing approved design. Therefore, the proposed use ensures that the rural character of the area remains uncompromised. The relief also maintains the low-density residential character of the area and upholds the requirements of the Section 1A01 BCZR.

An email from the representative mentioned plans for a new garage adjacent to an existing one, designed to accommodate the client's extensive fire truck and fire equipment collection, which is currently stored outdoors. This addition will not only conceal the vehicles but also shield them from weather damage.

Additionally, a barn is proposed for storing maintenance equipment for the property and offering a space where the family's children can engage in indoor sports activities.

Given the property's challenging topography, options for locating these structures are limited. The planned garage will be placed next to the existing barn, while the barn will occupy a suitable spot for a bank barn without necessitating deforestation.

The proposed side/front yard is level, easily accessible, and well-connected to the main house. Unfortunately, the layout of the existing driveway and structures precludes the possibility of adding a pool in the backyard.



Proposed locations and developments – submitted by the applicant

The Department of Planning offers the following comments:

Regarding the Special Hearing to permit an accessory building (barn) to exceed the footprint and square footage of the main building, the Department of Planning expresses reservations about the barn's proposed dimensions. It must be noted that Shepperd Road is both a Maryland Scenic Route and a County Designated Scenic Route. The Department acknowledges that trees along Gerting and Shepperd Roads currently obscure the barn from view from the roadside. However, due to concerns that the barn's large size may become visible during the winter months when the trees are bare, the Department considers the size of the proposed barn to be excessive. Consequently, a reduction in the barn's size is recommended to maintain the scenic integrity of the area throughout all seasons. The Department of Planning defers the final decision to the Administrative Law Judge.

Regarding the request for a Variance to place an accessory building (barn) in the front yard rather than the mandatory rear yard as stipulated by Section 400.1 BCZR, the Department of Planning recognizes the necessity for the barn's proposed placement upon reviewing the property and does not object on this request.

Regarding the request for Variance to permit an accessory building (garage) to reach a height of 30 feet, contrary to the 15 feet maximum height per Section 400.3 BCZR, the Department of Planning defers the

height decision to the Administrative Law Judge. The Department acknowledges the intention for the new garage to match the existing barn in height.

With regards to the Variance request to permit an accessory structure (pool) in the side yard instead of the rear yard per Section 400.1 BCZR, the Department defers the decision to the Administrative Law Judge. After evaluating the proposed site, the Department understands the rationale behind the chosen location for the pool.

In addition, the Department would like the following be considered:

- i. 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.
- ii. The accessory structure shall not be used for commercial or industrial purposes.

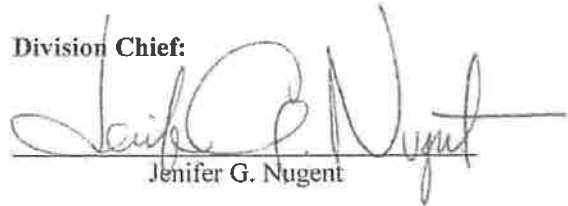
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Bruce Doak, Bruce E. Doak Consulting LLC.
Megan Benjamin, Joseph Wiley and Abigail Rogers
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

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 (DEPS) - Development Coordination

DATE: March 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0048-SPHA
Address: 16816 GERTING RD
Legal Owner: Joshua & Laura Abzug

Zoning Advisory Committee Meeting of March 11, 2024.

The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

Groundwater Management

1. If zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
 - a. The proposed addition must meet GWM policies and regulations.

Reviewer: Rochelle V. Underwood

Environmental Impact Review

1. Development of the property must comply with Baltimore County Code Article 33, Environmental Protection and Sustainability, Title 3, Protection of Water Quality, Streams, Wetlands, and Floodplains. The limits of disturbance for the proposed structures cannot encroach within the required forest buffer areas. Forest buffer limits must be shown on all future plans.
2. Development of this property must comply with Baltimore County Code Article 33, Title 6, Forest Conservation. It appears that the property owner may be able to invoke the single lot forest conservation exemption for the proposed development. To invoke the exemption, the owner must complete a single lot declaration of intent prior to permit approval.

Reviewer: Paul A. Dennis



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 16816 GERTING ROAD which is presently zoned RC2
Deed References: 31069 / 925 10 Digit Tax Account # 100R030175
Property Owner(s) Printed Name(s) JOSHUA M. ABZUG & LAURA C. ABZUG

(SELECT THE HEARING(S) BY MARKING ☒ 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

SEE ATTACHED PAGE

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ 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):

JOSHUA M. ABZUG / LAURA C. ABZUG

Name #1 - Type or Print Name #2 - Type or Print

Signature #1

Signature #2

16816 GERTING ROAD MONKTON MO

Mailing Address City State

21111 / 717-995-2761

Zip Code Telephone # Email Address

JABZUG1@YAHOO.COM

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING LLC

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MO

Mailing Address City State

21053 / 410-419-9906

Zip Code Telephone # Email Address

BD@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2024-0048 Filing Date 2/16/2024 Do Not Schedule Dates: Reviewer JL

SP+HA

REV 10/4/11

Zoning Hearing Petitions Being Requested

Special Hearing to permit an accessory building (barn) to be larger in footprint and square footage than the principal building (dwelling)

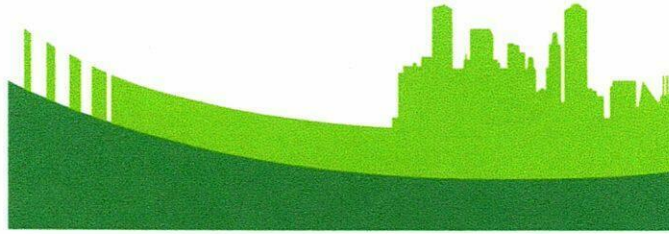
Variance to permit an accessory building (barn) to have height of 32 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR

Variance to permit an accessory building (barn) to be located in the front yard of a principal use in lieu of the required rear yard per Section 400.1 BCZR

Variance to permit an accessory building (garage) to have height of 30 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR

*VARIANCE TO PERMIT AN ACCESSORY STRUCTURE (POOL) TO BE
LOCATED IN THE SIDE YARD OF A PRINCIPAL USE IN LIEU OF
THE REQUIRED REAR YARD PER SECTION 400.1 BCZR*

2024-0048-SPA



Zoning Description

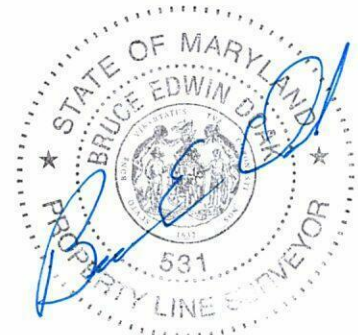
16816 Gerting Road
Tenth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the northeast side of Gerting Road, approximately 160 feet northwesterly from the center line intersection of Gerting Road and Shepperd Road, thence running and binding on the outlines of the subject property, which lies north and south of Gerting Road, the three following courses and distances, viz. 1) North 25 degrees 28 minutes West 206 feet, 2) North 26 degrees 58 minutes West 495 feet and 3) North 30 degrees 15 minutes West 698 feet, thence leaving said road and continuing to run and bind on the outlines of the subject property, the three following courses and distances, viz. 4) South 08 degrees 35 minutes West 348 feet, 5) South 29 degrees West 343 feet and 6) North 75 degrees 21 minutes West 274 feet to a point north of Shepperd Road, thence continuing to run on the outlines of the subject property and on the north side of Shepperd Road 7) South 53 degrees East 1233 feet, thence leaving said road and continuing to run on the outlines of the subject property 8) North 60 degrees 10 minutes East 181 feet to the point of beginning.

Containing 13.000 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



2024-0048-SPA

**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: 2024-0048-SPHA
Property Address: 16816 GORTING ROAD MONKTON MD 21111
Property Description: 13.000 ACRES @ INTERSECTION OF GORTING ROAD & SHEPPARD ROAD
Legal Owners (Petitioners): JOSHUA & LAURA ABZUG
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 MD 21053
Telephone Number: 410-419-4906

BALTIMORE COUNTY DEPARTMENTS OF PERMITS APPROVALS & INSPECTIONS

APPROVED SIGN POSTERS

John Altmeyer
Cell: 410-382-6580
jaltmeyer@aol.com

J. Lawrence Pilson, R.S.
Cell: 443-834-8162
lpilson@hotmail.com

Richard Hoffman
Cell: 443-243-7360
dick_e@comcast.net

Linda O'Keefe
Work: 410-666-5366
Cell: 443-604-6431
lucky linda1954@yahoo.com

Eric Hadaway
Work: 410-296-3333
ehadaway@dmw.com

Bruce E. Doak
Work: 443-900-5535
Cell: 410-419-4906
bdoak@bruceedoakconsulting.com

David Billingsley
Work: 410-679-8719
dwb0209@yahoo.com

Martin Ogle
Cell: 443-629-3411
mert1114@aol.com

Sgt. Robert A. Black
Cell: 410-499-7940
1opie@comcast.net

The petitioner must use one of the sign posters on this approval list. Any reposting must also be done by one of these 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.

**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/neighborhood 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: 2024-0048-SPHA
Property Address: 16816 GERTING ROAD MONKTON MD 21111
Property Description: 13.000 ACRES @ INTERSECTION OF GERTING ROAD & SHEPPARD ROAD
Legal Owners (Petitioners): JOSHUA & LAURA ABZUG
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 MD 21053
Telephone Number: 410-419-4906

BALTIMORE COUNTY DEPARTMENTS OF PERMITS APPROVALS & INSPECTIONS

APPROVED SIGN POSTERS

John Altmeyer
Cell: 410-382-6580
jaltmeyer@aol.com

J. Lawrence Pilson, R.S.
Cell: 443-834-8162
lpilson@hotmail.com

Richard Hoffman
Cell: 443-243-7360
dick_e@comcast.net

Linda O'Keefe
Work: 410-666-5366
Cell: 443-604-6431
lucky linda1954@yahoo.com

Eric Hadaway
Work: 410-296-3333
ehadaway@dmw.com

Bruce E. Doak
Work: 443-900-5535
Cell: 410-419-4906
bdoak@bruceedoakconsulting.com

David Billingsley
Work: 410-679-8719
dwb0209@yahoo.com

Martin Ogle
Cell: 443-629-3411
mert1114@aol.com

Sgt. Robert A. Black
Cell: 410-499-7940
1opie@comcast.net

The petitioner must use one of the sign posters on this approval list. Any reposting must also be done by one of these 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.

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 - 1008030175

Owner Information

Owner Name:	ABZUG JOSHUA M ABZUG LAURA C	Use:	RESIDENTIAL
Mailing Address:	16816 GERTING RD MONKTON MD 21111-1311	Principal Residence:	YES
		Deed Reference:	/31064/ 00425

Location & Structure Information

Premises Address:	16816 GERTING RD MONKTON 21111-1311	Legal Description:	13 AC NES MONKTON RD 16816 GERTING RD 1320 WS GERTING RD
--------------------------	--	---------------------------	--

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0023	0021	0113	10040045.04	0000				2023	
									Plat Ref:
Town: None									

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1915	6,878 SF	600 SF	13.0000 AC	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	1/2	YES	STANDARD UNIT	FRAME/5	4 full/ 1 half	1 Attached	2019

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	291,600	405,000		
Improvements	528,000	708,600		
Total:	819,600	1,113,600	917,600	1,015,600
Preferential Land:	0	0		

Transfer Information

Seller: MARTIN ALEXANDER B JR	Date: 08/04/2011	Price: \$853,000
Type: ARMS LENGTH MULTIPLE	Deed1: /31064/ 00425	Deed2:
Seller: PORTER MARTIN F	Date: 08/24/2000	Price: \$550,000
Type: ARMS LENGTH MULTIPLE	Deed1: /14657/ 00198	Deed2:
Seller: HERMANI THERESA M	Date: 01/30/1995	Price: \$310,000
Type: NON-ARMS LENGTH OTHER	Deed1: /10924/ 00158	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

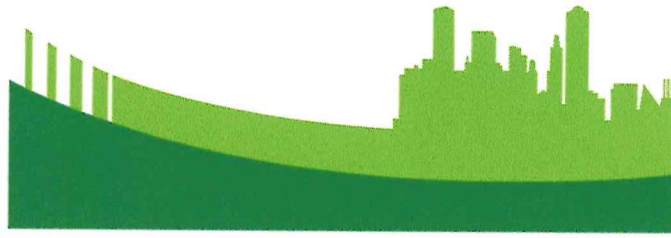
Homestead Application Information

Homestead Application Status: Approved 03/27/2012

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0048-SPHA



CERTIFICATE OF POSTING

March 16, 2024

_____ amended for second inspection

Re:

Zoning Case No. 2024-0048-SPHA

Legal Owner: Joshua & Laura Abzug

Hearing date: April 08, 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 **16816 Gerding Road**.

The signs were initially posted on **March 15, 2024**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. E. Doak", with a stylized flourish at the end.

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 #: 2024-0048-SPHA

16816 Gerting Road Monkton, MD 21111

(NE/S of Gering Rd., NW from intersection of Sheperd Rd.)

Council District 3, Election District 10

Legal Owners: Joshua & Laura Abzug

VARIANCE: To permit an accessory building (barn) to have a height of 32 ft. in lieu of the required maximum height of 15 ft. per Balt. Co. Zoning Reg. (BCRZ) Sect. 400.3. To permit an accessory building (barn) to be located in the front yard of a principal use in lieu of the required rear yard per BCZR Sect. 400.1. To permit an accessory building (garage) to have a height of 30 ft. in lieu of the required maximum height of 15 ft. per BCZR Sect. 400.3. To permit an accessory structure (pool) to be located in the side yard of a principal use in lieu of the required rear yard per BCZR Sect. 400.1

SPECIAL HEARING: To permit an accessory building (barn) to be larger in footprint and square footage than the principal building (dwelling)

Hearing Date: Monday, April 08, 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 or the phone number or email address shown below.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 102, Towson, Maryland 21204 Phone 410-887-4868 ext 0
Email: administrativehearings@baltimorecountymd.gov

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 #: 2024-0048-SPHA

16816 Gerting Road Monkton, MD 21111

(NE/S of Gerting Rd., NW from intersection of Sheppard Rd.)

Council District 3, Election District 10

Legal Owners: Joshua & Laura Abzug

VARIANCE: To permit an accessory building (barn) to have a height of 32 ft. in lieu of the required maximum height of 15 ft. per Balt. Co. Zoning Reg. (BCRZ) Sect. 400.3. To permit an accessory building (barn) to be located in the front yard of a principal use in lieu of the required rear yard per BCRZ Sect. 400.1. To permit an accessory building (garage) to have a height of 30 ft. In lieu of the required maximum height of 15 ft. per BCRZ Sect. 400.3. To permit an accessory structure (pool) to be located in the side yard of a principal use in lieu of the required rear yard per BCRZ Sect. 400.1

SPECIAL HEARING: To permit an accessory building (barn) to be larger in footprint and square footage than the principal building (dwelling)

Hearing Date: Monday, April 08, 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.

Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103 - Towson, Maryland 21204
Phone: 410.386.2000 ext. 200
Email: hearings@baltocty.org

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 #: 2024-0048-SPHA

16816 Gerting Road Monkton, MD 21111

(NE/S of Gerting Rd., NW from intersection of Shepperd Rd.)
Council District 3, Election District 10

Legal Owners: Joshua & Laura Abzug

VARIANCE: To permit an accessory building (barn) to have a height of 32 ft. in lieu of the required maximum height of 15 ft. per Balt. Co. Zoning Reg. (BCZR) Sect. 400.3. To permit an accessory building (barn) to be located in the front yard of a principal use in lieu of the required rear yard per BCZR Sect. 400.1. To permit an accessory building (garage) to have a height of 30 ft. in lieu of the required maximum height of 15 ft. per BCZR Sect. 400.3. To permit an accessory structure (pool) to be located in the side yard of a principal use in lieu of the required rear yard per BCZR Sect. 400.1

SPECIAL HEARING: To permit an accessory building (barn) to be larger in footprint and square footage than the principal building (dwelling)

Hearing Date: Monday, April 08, 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 410-887-3668, ext. 0

Office of Administrative Hearings
Email: administrativehearings@baltocty.com

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:

Case #: 2024-0048-SPHA

16816 Gerting Road Monkton, MD 21111

(NE/S of Gerting Rd., NW from intersection of Shepperd Rd.)

Council District 3, Election District 10

Legal Owners: Joshua & Laura Abzug

VARIANCE: To permit an accessory building (barn) to have a height of 32 ft. in lieu of the required maximum height of 15 ft. per Balt. Co. Zoning Reg. (BCRZ) Sect. 400.3. To permit an accessory building (barn) to be located in the front yard of a principal use in lieu of the required rear yard per BCZR Sect. 400.1. To permit an accessory building (garage) to have a height of 30 ft. In lieu of the required maximum height of 15 ft. per BCZR Sect. 400.3. To permit an accessory structure (pool) to be located in the side yard of a principal use in lieu of the required rear yard per BCZR Sect. 400.1

SPECIAL HEARING: To permit an accessory building (barn) to be larger in footprint and square footage than the principal building (dwelling)

Hearing Date: Monday, April 08, 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.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-581-1868 ext.0
Email: administrativehearings@baltimorecountymd.gov

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 (DEPS) - Development Coordination

DATE: March 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0048-SPHA
Address: 16816 GERTING RD
Legal Owner: Joshua & Laura Abzug

Zoning Advisory Committee Meeting of March 11, 2024.

The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

Groundwater Management

1. If zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
 - a. The proposed addition must meet GWM policies and regulations.

Reviewer: Rochelle V. Underwood

Environmental Impact Review

1. Development of the property must comply with Baltimore County Code Article 33, Environmental Protection and Sustainability, Title 3, Protection of Water Quality, Streams, Wetlands, and Floodplains. The limits of disturbance for the proposed structures cannot encroach within the required forest buffer areas. Forest buffer limits must be shown on all future plans.
2. Development of this property must comply with Baltimore County Code Article 33, Title 6, Forest Conservation. It appears that the property owner may be able to invoke the single lot forest conservation exemption for the proposed development. To invoke the exemption, the owner must complete a single lot declaration of intent prior to permit approval.

Reviewer: Paul A. Dennis

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: March 8, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0048-SPHA

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: 3/13/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0048

INFORMATION:

Property Address: 16816 Gerting Road
Petitioner: Joshua M. and Laura C. Abzug
Zoning: RC-2
Requested Action: Special Hearing and Variance

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

Special Hearing -

- a. To permit an accessory building (barn) to be larger in footprint and square footage than the principal building (dwelling)

Variance -

- a. To permit an accessory building (barn) to have height of 32 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR
- b. To permit an accessory building (barn) to be located in the front yard of a principal use in lieu of the required rear yard per Section 400.1 BCZR
- c. To permit an accessory building (garage) to have height of 30 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR
- d. To permit an accessory structure (pool) to be located in the side yard of a principal use in lieu of the required rear yard per Section 400.1 BCZR

The subject property is located on the corner at the intersection of Gerting Road and Shepperd Road. the property consists of 13.00 acres in the Monkton area of Baltimore County. The property is currently improved with a detached dwelling. Other residential dwellings, forest conservation, and farms surrounds the property.

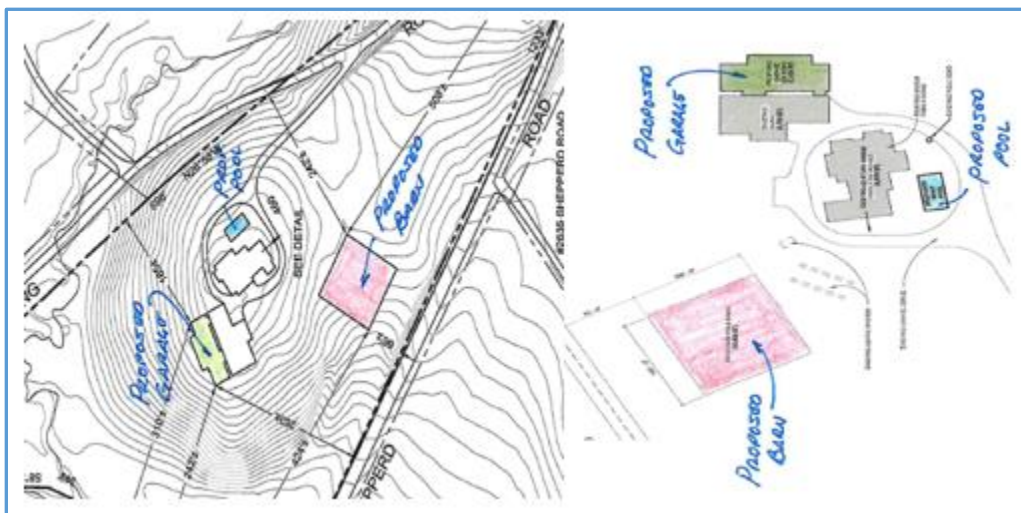
The RC-2 zone is a zoning district established to preserve the rural character of the area and promote low-density residential development. This district is intended to maintain the natural beauty and peacefulness of the surrounding countryside, while providing for compatible land uses and development patterns. The proposed relief is in harmony with the spirit and intent of the RC-2 zoning regulations. The requested use adheres to the zoning requirements and standards since it does not seek to alter the existing approved design. Therefore, the proposed use ensures that the rural character of the area remains uncompromised. The relief also maintains the low-density residential character of the area and upholds the requirements of the Section 1A01 BCZR.

An email from the representative mentioned plans for a new garage adjacent to an existing one, designed to accommodate the client's extensive fire truck and fire equipment collection, which is currently stored outdoors. This addition will not only conceal the vehicles but also shield them from weather damage.

Additionally, a barn is proposed for storing maintenance equipment for the property and offering a space where the family's children can engage in indoor sports activities.

Given the property's challenging topography, options for locating these structures are limited. The planned garage will be placed next to the existing barn, while the barn will occupy a suitable spot for a bank barn without necessitating deforestation.

The proposed side/front yard is level, easily accessible, and well-connected to the main house. Unfortunately, the layout of the existing driveway and structures precludes the possibility of adding a pool in the backyard.



Proposed locations and developments – submitted by the applicant

The Department of Planning offers the following comments:

Regarding the Special Hearing to permit an accessory building (barn) to exceed the footprint and square footage of the main building, the Department of Planning expresses reservations about the barn's proposed dimensions. It must be noted that Shepherd Road is both a Maryland Scenic Route and a County Designated Scenic Route. The Department acknowledges that trees along Gerthing and Shepherd Roads currently obscure the barn from view from the roadside. However, due to concerns that the barn's large size may become visible during the winter months when the trees are bare, the Department considers the size of the proposed barn to be excessive. Consequently, a reduction in the barn's size is recommended to maintain the scenic integrity of the area throughout all seasons. The Department of Planning defers the final decision to the Administrative Law Judge.

Regarding the request for a Variance to place an accessory building (barn) in the front yard rather than the mandatory rear yard as stipulated by Section 400.1 BCZR, the Department of Planning recognizes the necessity for the barn's proposed placement upon reviewing the property and does not object on this request.

Regarding the request for Variance to permit an accessory building (garage) to reach a height of 30 feet, contrary to the 15 feet maximum height per Section 400.3 BCZR, the Department of Planning defers the

height decision to the Administrative Law Judge. The Department acknowledges the intention for the new garage to match the existing barn in height.

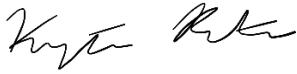
With regards to the Variance request to permit an accessory structure (pool) in the side yard instead of the rear yard per Section 400.1 BCZR, the Department defers the decision to the Administrative Law Judge. After evaluating the proposed site, the Department understands the rationale behind the chosen location for the pool.

In addition, the Department would like the following be considered:

- i. 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.
- ii. The accessory structure shall not be used for commercial or industrial purposes.

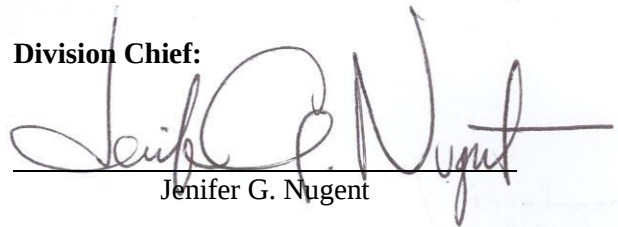
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Bruce Doak, Bruce E. Doak Consulting LLC.
Megan Benjamin, Joseph Wiley and Abigail Rogers
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

1. Ownership: Joshua M. Abzug & Laura C. Abzug
16816 Gerting Road Monkton, MD 21111
2. Address: 16816 Gerting Road Monkton, MD 21111
3. Deed references: SM 31064/425
4. Area: 13.000 acres (per 31064/415 & SDAT)
5. Tax Map / Parcel / Tax account #: 223 / 113 / 10-08-030175
6. Election District: 10 Councilmanic District: 3
ADC Map: GIS tile: 02383 Position sheet: 105NE6
Census tract: 410100 Census block: 24005410100
Schools: Sparks ES Hereford MS Hereford HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tiles 02383 and the information provided by Baltimore County on the internet.
8. Improvements: Two story dwelling & barn. The existing improvements will remain.
9. The subject property is in a Conservation Easement with The Manor Conservancy, Inc. SM 15572/494.

Zoning history: None

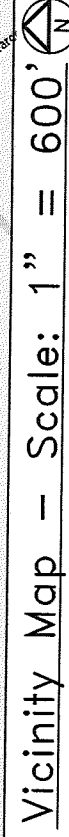
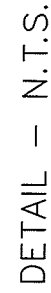
Front: 75 feet from centerline of the street or road
Side / Rear: 35 feet from the property line
Setback for accessory structures: 2.5 feet from a property

Watershed: Loch Raven Reservoir URDL land type: 1

- OFFICE OF PLANNING

1. The subject building is not historic. The subject property is not in a historic district.
2. Growth Tier: 4

Construct a garage and barn for residential use
Install a pool for residential use



0 443-500-3333 M 410-419-4906
bdoak@bruceedoakconsulting.com



#16816 GERTING ROAD

Date: 1/29/24

Scale: 1" = 100'

