



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

Arnold Jablon, Esquire- ajablon@comcast.net
3717 Lanamer Road
Randallstown, MD 21133

RE: Petition for Variance
Case No. 2024-0070-A
Property: 7210 Graces Quarters Road

Dear Mr. Jablon:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,
A handwritten signature in black ink that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

c: Brian Dietz – bdietz@dietzsurveying.net
Mark Fuchsluger – carpentryhomes@yahoo.com

**IN RE: PETITION FOR VARIANCE
(7210 Graces Quarters Road)**

15th Election District

5th Council District

John and Janine Poole

Legal Owners

Petitioners

*

BEFORE THE

*

OFFICE OF ADMINISTRATIVE

*

HEARINGS OF

*

BALTIMORE COUNTY

*

CASE NO. 2024-0070-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by the legal owners, John and Janine Poole (“Petitioners”) for property located at 7210 Graces Quarters Road, Middle River (the “Property”). Petitioners are requesting Variance relief from Baltimore County Zoning Regulations (“BCZR”), §1.B02.3.C to permit a proposed dwelling with a lot width of 49 ft. in lieu of the required 55 ft.

An in-person hearing was conducted on April 24, 2024 at 1:30 p.m., Jefferson Building, 105 West Chesapeake Avenue, Room 205. The Petition was properly advertised and posted. Brian Dietz, registered land surveyor, who prepared and sealed a site plan (the “Site Plan”) appeared in-person on behalf of the Petitioners. (Pet. Exs. 1, 2). Arnold Jablon, Esquire represented the Petitioners. There were no interested participants or Protestants at this hearing either virtually or in-person.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), Development Plans Review (“DPR”)/Department of Public Works and Transportation (“DPWT”) and Department of Environmental Protection and Sustainability (“DEPS”) which agencies did not oppose the requested relief.

The Property is 0.389 acres +/- (16, 944 sf +/-). (Pet. Ex. 1). An aerial photograph shows that the Property is long and narrow. (Pet. Ex. 3). The Property is zoned Density Residential (DR 5.5). (Pet. Ex. 4). Street view photographs reveal that the Property is unimproved other than two small shed-like structures and concrete paving. (Pet. Exs. 6A-6N). Petitioners own and reside at 7208 Grace's Quarters Road. (Pet. Exs. 1, 8). Between the Petitioners' property and the Property at issue here is a Baltimore County stormwater drainage reservation easement. (Pet. Ex. 1).

Petitioners desire to construct a new dwelling on the Property which meets all of the bulk regulations in the Small Lot Table under BCZR, §1.B02.3.C other than the lot width. The new modestly-sized dwelling will be 2-story, 1,176 sf as shown on the Site Plan. (Pet. Ex. 1). Mr. Dietz confirmed the long and narrow shape of the Property limits the ability to meet the required lot width of 55 ft. Due to the SWM drainage easement, Petitioners are not able to provide the additional 6 ft. needed to meet the lot width requirements of BCZR, §1.B02.3.C.

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).

I find that the Property is unique because it is a long and narrow lot next to a County SWM easement, which is unlike any other property within the area as shown on the aerial photographs. I further find the unique features create a practical difficulty and unreasonable hardship which prevents the Petitioners from providing the additional 6 ft. required for the lot width. 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, particularly in light of the lack

of opposition.

THEREFORE, IT IS ORDERED, this 6th day of **May 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from BCZR §1.B02.3.C to permit a proposed dwelling with a lot width of 49 ft, in lieu of the required 55 ft, be and it 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 must comply with the DEPS ZAC comment, a copy of which is attached hereto and made a part hereof.
3. The Site Plan, (Pet. Ex. 1) a copy of which is attached hereto, is incorporated herein.

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



MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM/dlm

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 22, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0070-A
Address: 7210 GRACES QUARTERS ROAD
Legal Owners: John and Janine Poole

Zoning Advisory Committee Meeting of March 18, 2024.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The proposed development is located within the area of the property that is located within a Limited Development Area (LDA). Development within this 7,260 square foot LDA area must comply with a maximum lot coverage limit of 2,315 square feet. The lot coverage proposed on the plan meets this requirement. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). The relief requested can result in minimal adverse impacts to water quality with the development meeting lot coverage requirements.

2. Conserve fish, plant, and wildlife habitat;

There are no Critical Area buffers, or habitat protection areas on the property. Therefore, if the proposed development can comply with all Critical Area lot coverage and tree requirements, this can aid in the conservation of fish, plant, and wildlife habitat in the area watershed.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

If the development can meet all Critical Area requirements as indicated on the current plan, the relief requested can be consistent with established land-use policies.

Reviewer: Paul Dennis Date: March 22, 2024



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 7210 Grace's Quarters Rd, Baltimore 21220 which is presently zoned DR 5.5

Deed References 11855/479 10 Digit Tax Account # 1507580180

Property Owner(s) Printed Name(s) John C. Poole and Janine C. Poole

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3. X a **Variance** from Section(s)

SEE ATTACHED

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)**

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).

Petitioners:

Carpentry Unlimited Homes LLC

Name- Type or Print

By: Mark Fuchsluger, Member

Mark Fuchsluger
Signature

P O Box 16638, Baltimore, Md

Mailing Address City State

21221 //
Zip Code Telephone # Email Address

Attorney for Petitioner:

Arnold Jablon

Name- Type or Print

Signature

3717 Lanamer Road, Randallstown, Md

Mailing Address City State

21133/ 443 250 6455 ajablon@comcast.net
Zip Code Telephone # Email Address

Legal Owners:

John C. Poole

Name #1 - Type or Print

Janine C. Poole

Name #2 - Type or Print

John C. Poole
Signature #1

Janine C. Poole
Signature #2

7208 Grace's Quarters Rd, Baltimore, Md

Mailing Address City State

21220
Zip Code Telephone # Email Address

Representative to be contacted:

Arnold Jablon

Name- Type or Print

Arnold Jablon
Signature

3717 Lanamer Road, Randallstown, Md

Mailing Address City State

21133 / 443 250 6455 ajablon@comcast.net
Zip Code Telephone # Email Address

CASE NUMBER 2024-0070-A Filing Date 3/11/24

Do Not Schedule Dates: _____ Reviewer MTK

AFFIDAVIT IN SUPPORT OF VARIANCE

Attachment 1

This Petition for variance is filed pursuant to §§307.1 and 1.B02.3C of the Baltimore County Zoning Regulations.

The subject property of this Petition is located at 7210 Grace's Quarters Rd, Baltimore. The Petitioner is requesting approval for a variance to permit a lot width of 49 +/-' in lieu of the required 55'.

The subject property is currently vacant and the Petitioner proposes to construct a 2-story single family dwelling, which will conform to all required setbacks. The property conforms to all requirements as set forth in §1B02.3C, BCZR, except for lot width.

Attachment 2

General Notes

1. Area of property: 16,995 SF+/-
2. Existing Zoning of Property: DR 5.5
3. Existing Use of Property: residential
4. Proposed zoning of property: DR 5.5
5. Proposed Use of Property: single family dwelling
6. Property served by public water and sewer
7. Petitioner's requesting variance to permit a lot width of 49+' in lieu of required 55'
8. Existing property's zoning history: n/a
9. There are no code violations

Dietz Surveying, Inc.
8119 Oakleigh Road, Baltimore, MD 21234
Phone 410-661-3160 Fax 410-661-3163

Zoning Description
For
7210 Graces Quarters Road
February 9, 2024

Beginning in the center of Graces Quarters Road (20' +/- wide paving), distant 270 feet +/- from the center of Cunninghill Cove Road (50' R/W), thence running with and binding in the center of Graces Quarters Road,

1. North 89 degrees 19 minutes 00 seconds East 50.80 feet, thence leaving the center of Graces Quarters Road,
2. North 15 degrees 28 minutes 00 seconds West 350.27 feet,
3. South 70 degrees 24 minutes 00 seconds West 50.12 feet, and,
4. South 15 degrees 37 minutes 00 seconds East 333.70 feet, to the place of beginning.

Containing 0.389 Ac. or 16,944 sq.ft. of land more or less. Being known as 7210 Graces Quarters Road and located in the 15th Election District, 5th Councilmanic District.



3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

If the development can meet all Critical Area requirements as indicated on the current plan, the relief requested can be consistent with established land-use policies.

Reviewer: Paul Dennis Date: March 22, 2024

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

No. 229536

Date: 3/11/2024

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		150					\$ 75.00

Total: \$ 75.00

Rec From: Carpentry Unlimited Homes LLC

For: Residential Zoning Variance
7310 Grace's Quarters Road
Zoning Case 2024-0070-A

DISTRIBUTION

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

**CASHIER'S
VALIDATION**

ML

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbors 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 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 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:

Item Number or Case Number: 2024-0076-A

Petitioner: Carpentry Unlimited Homes, LLC

Address or Location: 7210 Graces Quarters Rd, Baltimore, Maryland 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: Law Office of Arnold Jablon

Address: 3717 Lanamer Road

Randallstown, Maryland 21133

Telephone Number: 443 250-6455

Revised 2/20/98 - SCJ

Real Property Data Search ()
Search Result for BALTIMORE COUNTY


[View Map](#)
[View Ground Rent Redemption](#)
[View Ground Rent Registration](#)

Special Tax Recapture: None

Account Number: 1507580180
 Officer: OLSZEWSKI, J
 County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits,
Approvals & Inspections

Owner Information

Owner Name: POOLE JOHN C Use: RESIDENTIAL
 POOLE JANINE C Principal Residence: NO
 Mailing Address: 7208 GRACES QUARTERS RD Deed Reference: /11855/ 00479
 BALTIMORE MD 21220-1630

Location & Structure Information

Premises Address: GRACES QUARTERS RD Legal Description: .39 AC
 0-0000 NS GRACES QUARTES RD
 470FT W CUNNINGHILL COVE

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0084	0013	0013	15020010.04	0000				2024	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			0.7100 AC	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	70,800	70,800		
Improvements	0	0		
Total:	70,800	70,800	70,800	70,800
Preferential Land:	0	0		

Transfer Information

Seller:	Date:	Price:
GRABOWSKI BERNARD I	10/18/1996	\$500
Type: ARMS LENGTH VACANT	Deed1: /11855/ 00479	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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 22, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0070-A
Address: 7210 GRACES QUARTERS ROAD
Legal Owners: John and Janine Poole

Zoning Advisory Committee Meeting of March 18, 2024.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The proposed development is located within the area of the property that is located within a Limited Development Area (LDA). Development within this 7,260 square foot LDA area must comply with a maximum lot coverage limit of 2,315 square feet. The lot coverage proposed on the plan meets this requirement. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). The relief requested can result in minimal adverse impacts to water quality with the development meeting lot coverage requirements.

2. Conserve fish, plant, and wildlife habitat;

There are no Critical Area buffers, or habitat protection areas on the property. Therefore, if the proposed development can comply with all Critical Area lot coverage and tree requirements, this can aid in the conservation of fish, plant, and wildlife habitat in the area watershed.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: March 20, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0070-A

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

DPR: No comment

DPW-T: No Exception taken.

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/20/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0070-A

INFORMATION:

Property Address: 7210 Grace's Quarters Road
Petitioner: John and Janine Poole
Zoning: DR 5.5
Requested Action: Variance

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

Variance – To permit a lot width of 49 feet in lieu of the minimum required 55 feet.

The subject site is an approximately 0.4 acre property in the Middle River area. The lot is long and narrow, measuring approximately 49' in width and approximately 339' in depth, according to Baltimore County GIS data. Per Google Streetview of the property from May 2023, it is improved with two small, shed-like structures and concrete paving. SDAT lists the property as not homeowner occupied, and the site plan submitted with the petition lists the site as vacant. The subject site is owned by the petitioners, who also own the adjacent property at 7208 Grace's Quarters Road.

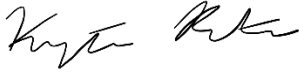
Uses surrounding the subject site are primarily residential and farm/agricultural land with single family detached dwellings to the north and west; two dwellings and then farm/agricultural land to the east; and farm/agricultural land to the south, across Grace's Quarters Road. Many of the surrounding dwellings are two stories in height. The subject site sits two properties in from the border of the Urban-Rural Demarcation Line (URDL).

Per the petition and the accompanying site plan, the petitioners wish to raze the sheds on the subject site, remove the concrete pads, and construct a two-story dwelling with a driveway. The proposed dwelling will adhere to the required front, side, and rear yard setbacks, as well as the minimum lot size for the DR 5.5 zone, per the site plan.

The Department of Planning has no objections to the requested relief, as the site is within the URDL and is surrounded by single family residential dwellings to the north, east, and west. Further, the lot meets the minimum required lot size and the proposed dwelling will still meet the required front, rear, and side yard setbacks.

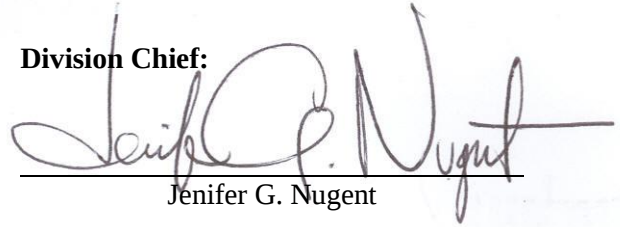
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Arnold Jablon
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

2024-0070-A

RE: Case No.: _____

Petitioner/Developer: _____

**John & Janine Poole
Carpentry Unlimited Homes, LLC**

April 24, 2024

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Jeff Perlow:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

7210 Graces Quarters Road ***SIGN 1A & 1B***

April 3, 2024

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 April 3, 2024
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

2024-0070-A

Baltimore County - My Neighborhood



111 West Chesapeake Avenue, Room 124 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048

Zoning Review | County Office Building

www.baltimorecountymd.gov

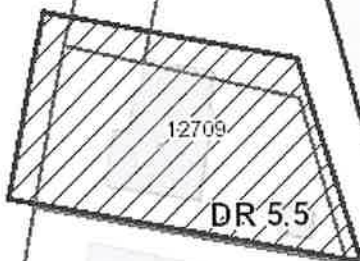
Legend

- ☐ 200 Scale Grid
- ☐ House Numbers
- ☒ Zoning History Cases
- ☐ Zoning
- ☐ Property
- ☐ County Boundary

CUMMINGS COVE RD

QUARTERS RD

GRACES QUARTERS RD



12709

DR 5.5

12707

084A2

7124

7130

RC 5

7204

7206

7208

7210

DR 3.5

RC 20

JOHN A. OLSZEWSKI, JR.
County Executive



C. PETE GUTWALD, MCR, Director
Department of Permits,
Approvals & Inspections

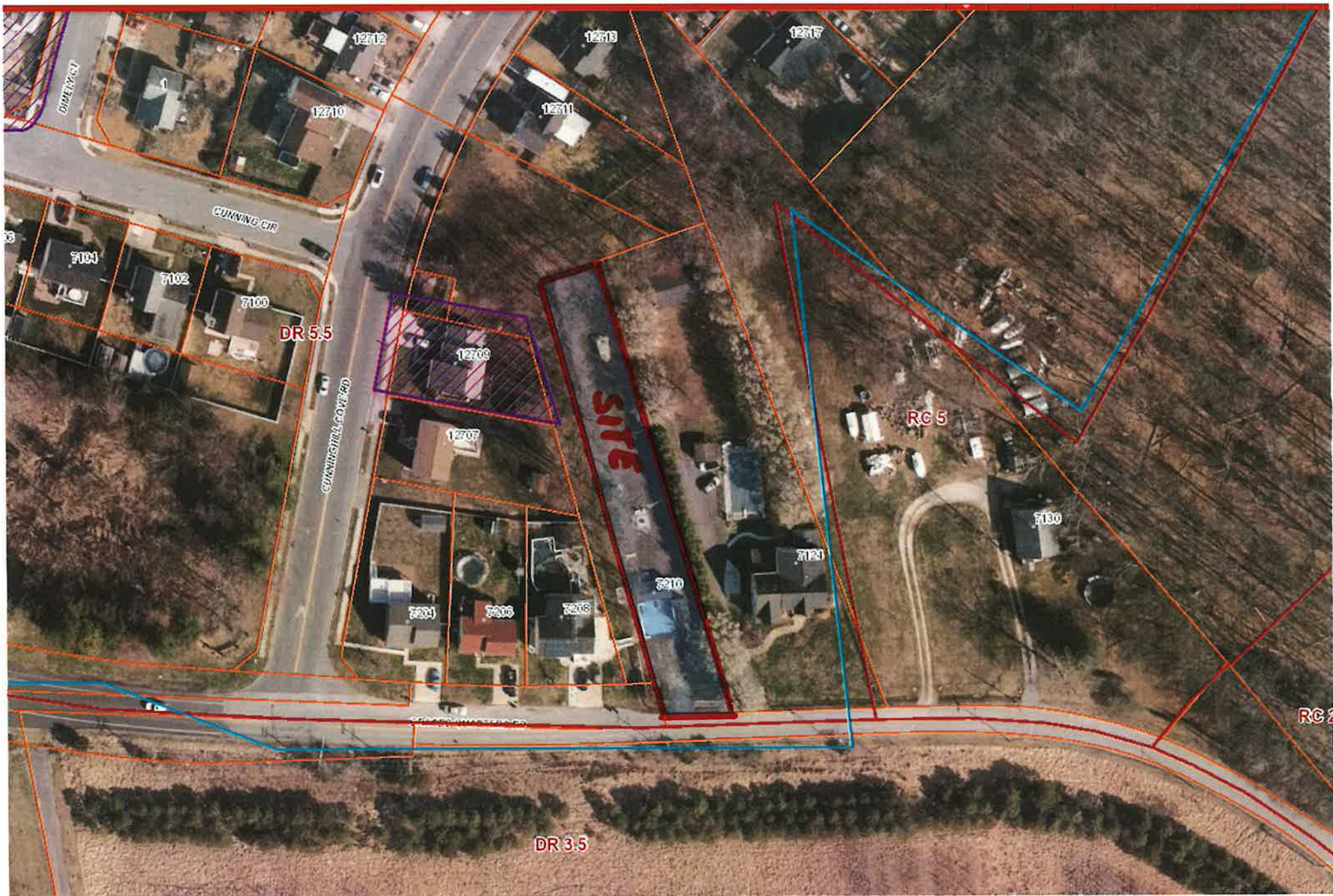
1 Inch = 90 Feet

0 45 90 180 Feet

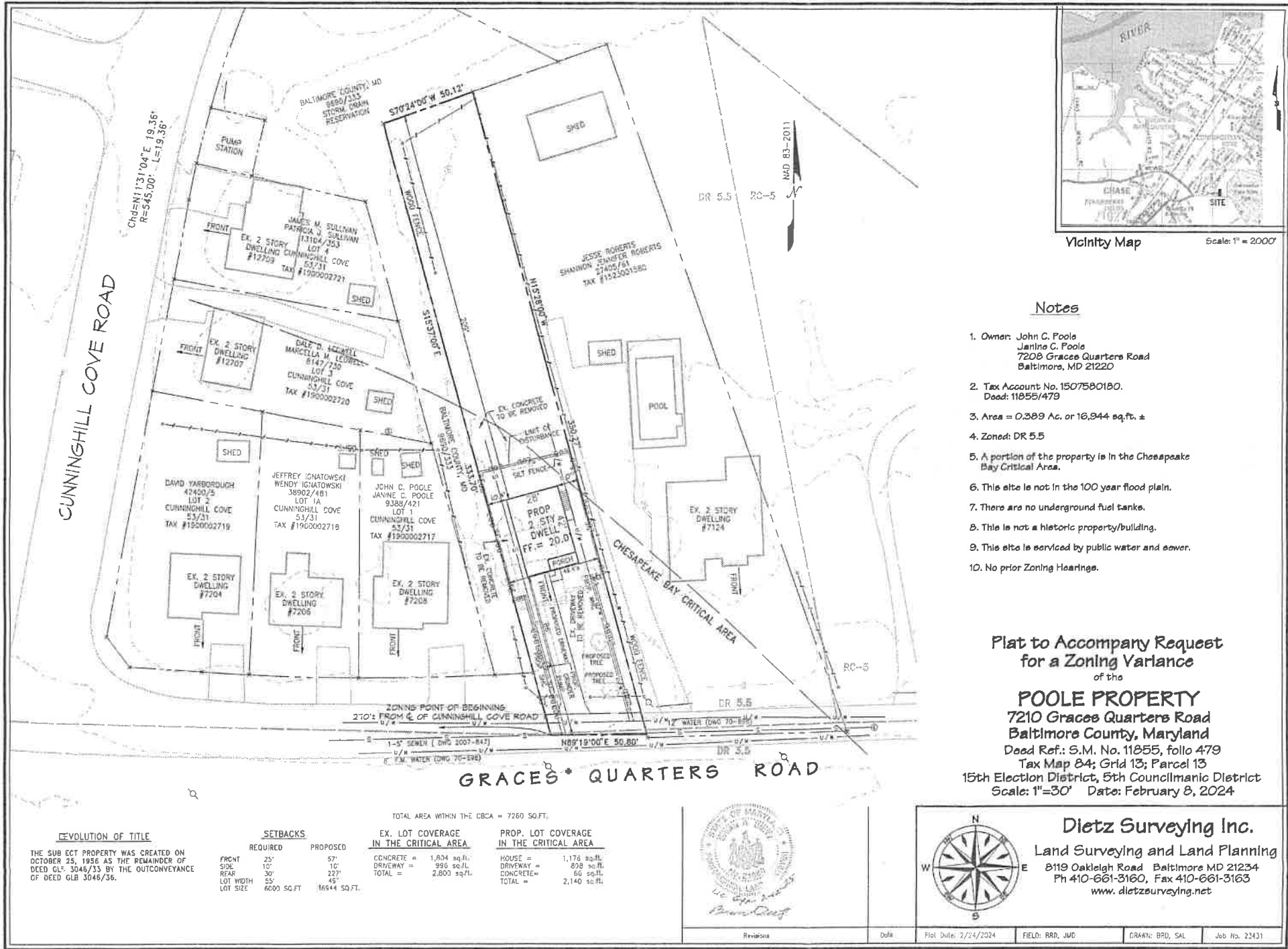
March 11, 2024

Sources: Esri, HERE, Garmin, Intermap, increment P.,
NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey,
China (Hong Kong), (c) OpenStreetMap contributors

Baltimore County Government, Harford County Government, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA, NOAA



2024-0070-A



File Name: Z:\Grace Quarters rd next to 7124 #15851\GRACE QUARTERS ZONING.dwg