

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

April 10, 2024

Steven and Jill Crawford – jillbc@comcast.net 1310 Musgrove Road Timonium, MD 21093

RE:

Petition for Administrative Variance

Case No. 2024-0073-A

Property: 1310 Musgrove Road

Dear Mr. and Mrs. Crawford:

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

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

Sincerely,

MAUREEN E. MURPHY

Chief Administrative Law Judge

Mauren Z. Murphy

for Baltimore County

MEM:dlw Enclosure

c: David Billingsley - dwb0209@yahoo.com

IN RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE

(1310 Musgrove Road)

8<sup>th</sup> Election District \* OFFICE OF ADMINISTRATIVE 2<sup>nd</sup> Council District

Steven & Jill Crawford \* HEARINGS FOR

\* BALTIMORE COUNTY

Petitioners \* CASE NO. 2024-0073-A

\* \* \* \* \* \* \* \*

#### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owners of the property, Steven and Jill Crawford, ("Petitioners") for the property located at 1310 Musgrove Road, Timonium (the "Property"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR"), §1A04.3.B.2.b, to permit a one-story addition to an existing dwelling with a side yard setback of 34 ft and rear yard setback of 38 ft. in lieu of the required 50 ft. and 50 ft. The Property is more fully depicted on the site plan (the "Site Plan") which was marked and accepted into evidence as Petitioners' Exhibit 1. Street view photographs of the Property were provided. (Pet. Exs. 2A-2H). A Zoning Advisory Committee ("ZAC") comment was received from Development Plans Review ("DPR") which agency did not oppose the requested relief. In addition, a ZAC comment was received from the Department of Environmental Protection and Sustainability ("DEPS"), dated March 26, 2024, indicating that if the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:

"Ground Water Management (GWM) approval must be obtained prior to approval of the building permit. Requirements for approval will include submission of a site plan that meets GWM site plan requirements, and an On-Site Disposal System (OSDS) inspection report, and also include submission of percolation test application and/or conducting additional percolation testing and potentially installing a new septic system or upgrading the existing septic system."

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on March 24, 2024 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavit as required by Section 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the Property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>10<sup>th</sup></u> day of **April**, **2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR"), §1A04.3.B.2.b, to permit a one-story addition to an existing dwelling with a side yard setback of 34 ft and rear yard setback of 38 ft in lieu of the required 50 ft. and 50 ft., and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

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

2. Petitioners must comply with the DEPS ZAC comment, dated March 26, 2024; a copy of which is attached hereto and made a part hereof.

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

Mauren E. Murphy

for Baltimore County

MEM:dlw

AV

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**



TO:

Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

March 26, 2024

SUBJECT:

DEPS Comment for Zoning Item

# 2024-0073-A

Address:

1310 MUSGROVE RD

Legal Owner: Steven & Jill Crawford

Zoning Advisory Committee Meeting of March 26, 2024.

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

If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:

Ground Water Management (GWM) approval must be obtained prior to approval
of the building permit. Requirements for approval will include submission of a
site plan that meets GWM site plan requirements, and an On-Site Disposal
System (OSDS) inspection report, and may also include submission of percolation
test application and/or conducting additional percolation testing and potentially
installing a new septic system or upgrading the existing septic system.

Reviewer:

Mia Lowery, L.E.H.S.

# A W

## ADMINISTRATIVE ZONING PETITION FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING To be filled with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltim	ore County for t	•				ic.	5		
Address 13/0 MUSGROVE ROAD  Deed Reference 13988 / /// 10 Digit Tax	~			Zoned	,	<i>y</i>	7	9	3
Deed Reference <u>13988</u> / /// 10 Digit Tax Owner(s) Printed Name(s) <u>57EVEN</u> F. \$ JILL B. CA	Account # 2	SO	<u>~</u>	V			<u> </u>		<u> </u>
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Owner(s)/Petitioner(s):	2.5	•							
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A PUBLIC HEARING having been formally demanded and/or found to be requ	uired, it is ordere	ed by I	he Of	fice of Ad	ministr	ative l	Hearin	ngs for	
Baltimore County, this day of, hearing, advertised, and re-posted as required by the zoning regulations of Baltimore.	that the su ore County.	bject r	natter	of this pe	tition t	e set	for a <b>p</b>	oublic	
Case Number 2024 - 0073 - A Filing Date 3 1/4 12029	Administrative La		T	Baltimore	Count	24	R	Reviewe	nsk
OBOC HARIDON (A-1/2)	assing	-		4/8/	24		R	evised	8/2022

### Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address:	1310 MUSGI	30VE	RCAD	TIMONIUM	MO.	71093
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and for the	ne(s) here: Steven	F. Ca	awhvo	dentified to me as such Af		Notary of Maryland,



SECTION 1A04.3.B.2.b (BCZR) TO PERMIT A ONE STORY ADDITION TO AN EXISTING DWELLING WITH A SIDE YARD SETBACK OF 34 FEET AND A REAR YARD SETBACK OF 38 FEET IN LIEU OF THE REQUIRED 50 FEET AND 50 FEET.

## JUSTIFICATION FOR VARIANCE 1310 MUSGROVE ROAD

On August 31, 2018, we were granted an Administrative Variance (Case No. 2019-0007-A) to construct a one story addition on the side of the existing dwelling with a side yard setback of 14 feet in lieu of the required 50 feet. At that time, our intention was to construct a new garage and convert the existing garage into additional living space, possibly an accessory apartment for the in-laws. We never moved forward with the proposal.

We would now like to construct a one story addition on the same side and the rear of the existing dwelling to accommodate a kitchen expansion, pantry, keeping room addition and a screened porch. We have retained a well known architect to study the size and location of the addition to best serve or needs and remain architecturally compatible with our the existing dwelling while not infringing on our neighbors privacy and views. Obviously, the odd shape of out lot and the location of the existing dwelling limits the area in which the addition can be constructed.

No additional living quarters or commercial uses are proposed.

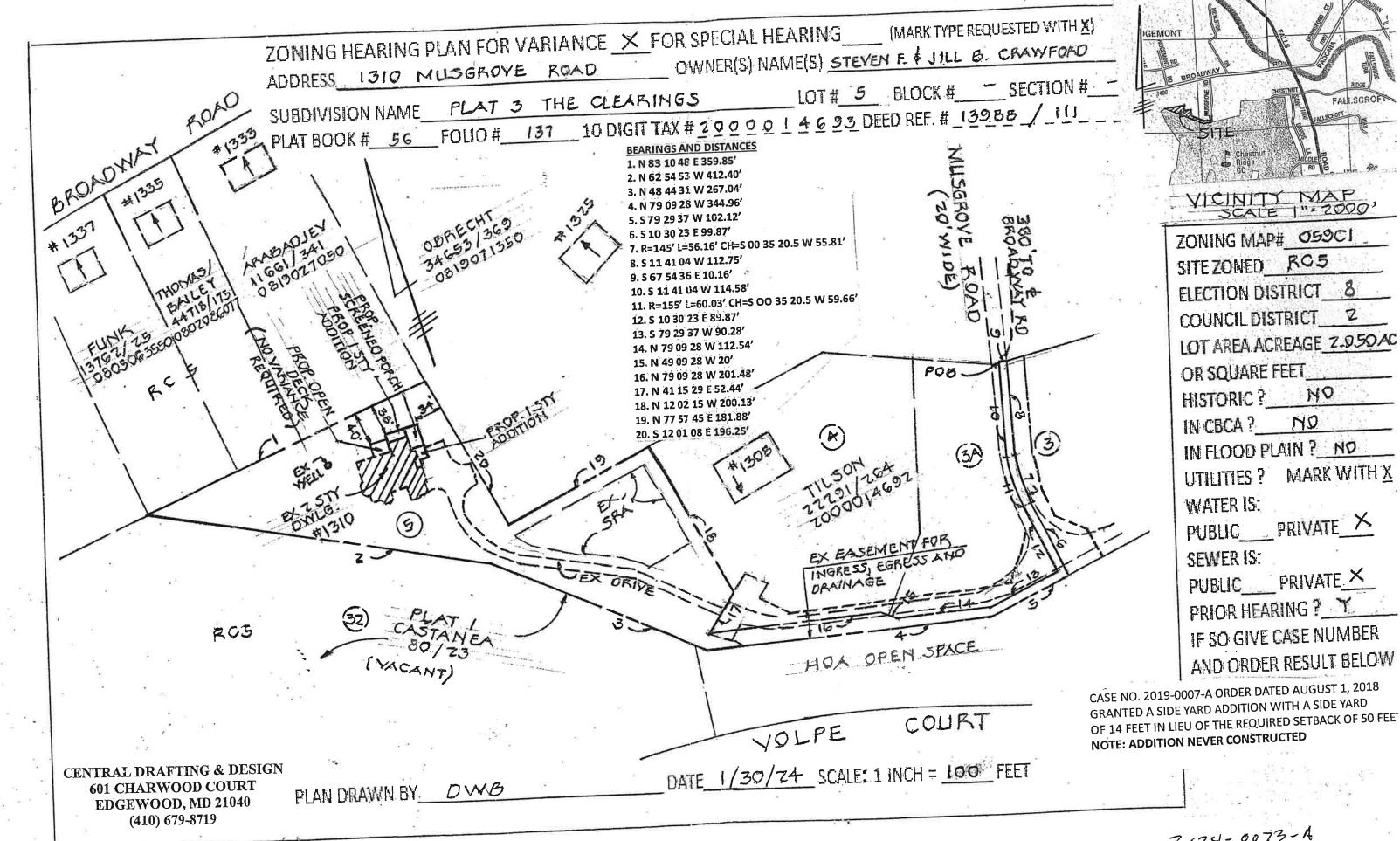
## ZONING DESCRIPTION 1310 MUSGROVE ROAD

Beginning for the same at a point on the center of Musgrove Road (20 feet wide) distant 380 feet southerly from its intersection with the center of Broadway Road, thence being all of Lot 5 as shown on the plat entitled Plat 3, The Clearings, recorded among the Baltimore County plat records in Plat Book 56 Folio 137.

Containing 2.050 acres of land, more or less.

Being known as 1310 Musgrove Road. Located in the 8<sup>TH</sup> election district, 2<sup>ND</sup> councilmanic district of Baltimore County, Maryland.

2024-6673-A



# A W

## ADMINISTRATIVE ZONING PETITION FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING To be filled with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltim	ore County for t	•				ic.	5		
Address 13/0 MUSGROVE ROAD  Deed Reference 13988 / /// 10 Digit Tax	~			Zoned	,	<i>y</i>	7	9	3
Deed Reference <u>13988</u> / /// 10 Digit Tax Owner(s) Printed Name(s) <u>57EVEN</u> F. \$ JILL B. CA	Account # 2	SO	<u>~</u>	V			<u> </u>		<u> </u>
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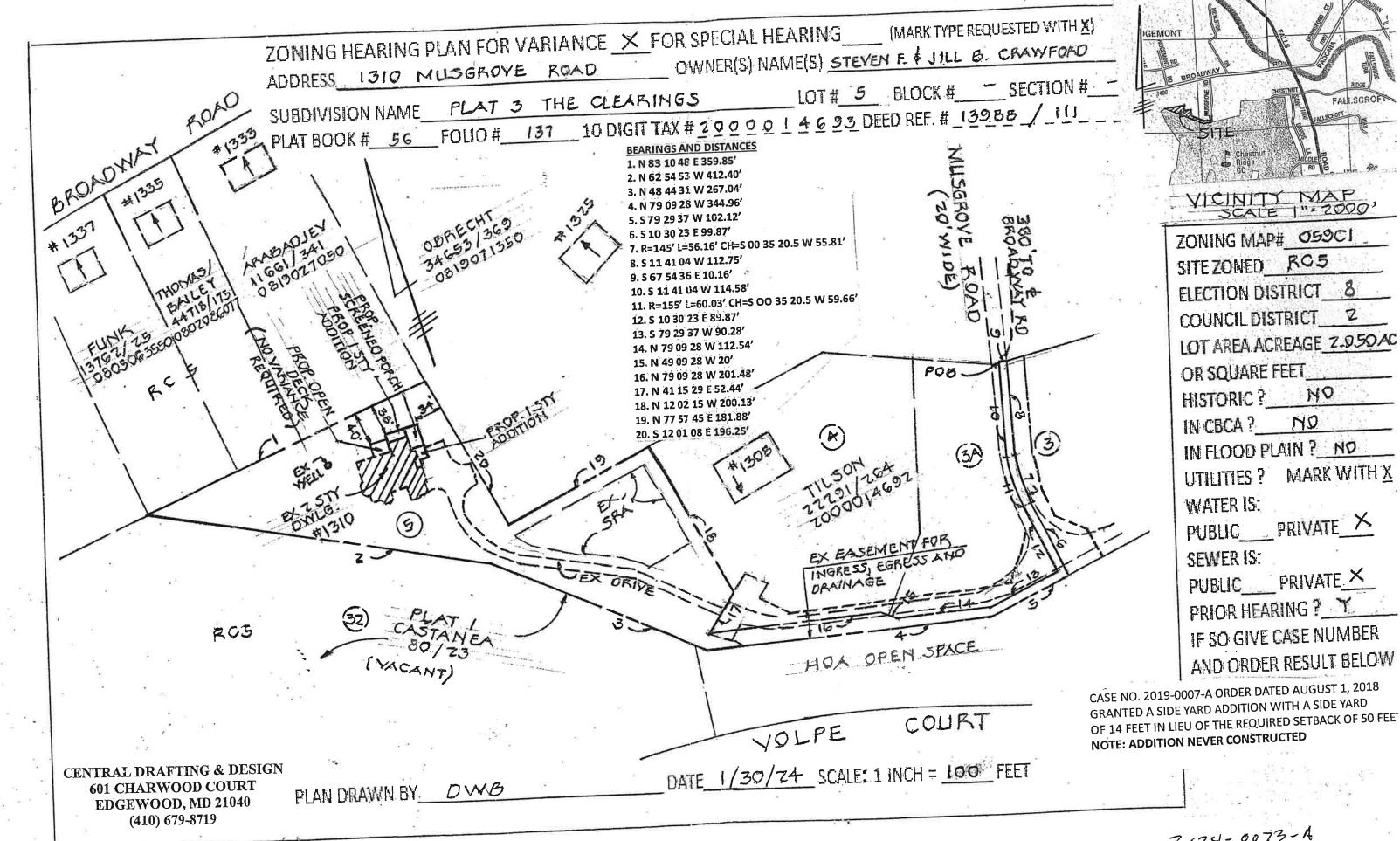
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Being known as 1310 Musgrove Road. Located in the 8<sup>TH</sup> election district, 2<sup>ND</sup> councilmanic district of Baltimore County, Maryland.

2024-6673-A



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## DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.\*

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

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

For Newspaper Advertising:									
Case Number:									
Property Address: 1310 MUSGROYE ROAD									
Legal Owners (Petitioners): STEYEN F. \$ JILL B. CRAYYFORD									
Contract Purchaser/Lessee:									
PLEASE FORWARD ADVERTISING BILL TO:									
Name: Company/Firm (if applicable): DAVIO BILLINGSLEY									
Address: CENTRAL DRAFTING									
AND DESIGN									
EDGEWOOD, MD 21040									
Telephone Number: (410) 679-8719									

Revised 3/2022

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

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

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2024 = 0073 A Address 1310 Musgrove Roal
Contact Person:
Filing Date: 3/14/2024 Posting Date: 3/24/2024 Closing Date: 4/8/2024
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zening notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
Z. <u>DEADLINE</u> : The closing date is the deadline for a neighbor loccupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written neutrocation as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative law lodge), notification will be forwarded to you. The sign on the property must be changed gwing notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
Petitioner: This Part of the Form is for the Sign Poster Only (petad) None potted (inc)
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number: 2624 - 6073-A Address 1310 Musgrove Roal
Petitioner's Name: Steven & J. II Crawford Telephone Cell 443-604-5988 Pesting Date: 3/24/2024 Closing Date: 4/8/2024
Posting Date: 3/24/2024 Closing Date: 4/8/2024
Wordingfor Sign. To Permit a 51 le york sotback of 34 feet in lieu
of 50 feet and a rear yard school of 38 feet in lieu
of 50 feet and an amondment to the last approved
Final Development Plan of The Clearings for a
one-story ald, tion.
Revised 1/2022

BAETIMORE COUNTY DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS .
ZONING REVIEW OFFICE

### **CERTIFICATE OF POSTING**

### **ZONING NOTICE**

ADMINISTRATIVE VARIANCE 1310 MUSGROVE ROAD CASE NO. 2024-0073-A OWNERS: STEVEN & JILL CRAWFORD

REQUEST: TO PERMIT A SIDE YARD SETBACK OF

34 FT IN LIEU OF 50 FT AND A REAR YARD
SETBACK OF 38 FT IN LIEU OF 50 FT AND AN
AMENDMENT TO THE LAST APPROVED FINAL
DEVELOPMENT PLAN OF THE CLEARINGS FOR A
ONE – STORY ADDITION

Pursuant to Section 26-127(b)(1), Baltimore County Code, an eligible individual or group may request a public hearing concerning the proposed variance, provided the request is received in the Zoning Review Office before 55 P.M. on APRIL 8, 2024;

Additional information is available at the Department of Permits, Approvals and Inspections, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson, Md. 21204 (410) 887-3391

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL AFTER THE ABOVE DATE

David Billingsleg
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

Date: MARCH 24, 2024

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: March 20, 2024

Department of Permits, Approvals

**FROM:** Vishnu Desai, Supervisor

Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting

Case 2024-0073-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 Correspondence**



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE: March 26, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0073-A

Address: 1310 MUSGROVE RD Legal Owner: Steven & Jill Crawford

Zoning Advisory Committee Meeting of March 26, 2024.

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

If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:

1. Ground Water Management (GWM) approval must be obtained prior to approval of the building permit. Requirements for approval will include submission of a site plan that meets GWM site plan requirements, and an On-Site Disposal System (OSDS) inspection report, and may also include submission of percolation test application and/or conducting additional percolation testing and potentially installing a new septic system or upgrading the existing septic system.

Reviewer: Mia Lowery, L.E.H.S.

### Real Property Data Search ( ) Search Result for BALTIMORE COUNTY

earch Result for BALTIMORE COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 08 Account Number - 2000014693

Owner Information

Owner Name: CRAWFORD STEVEN F Use: RESIDENTIAL CRAWFORD JILL B Principal Residence: YES

Mailing Address: 1310 MUSGROVE RD TIMONIUM MD 21093-1635

Location & Structure Information

Premises Address: 1310 MUSGROVE RD TIMONIUM 21093-1635

 OVE RD
 Legal Description:
 2,050 AC

 093-1635
 1310 MUSGROVE RD

Deed Reference: /13988/ 00111

THE CLEARINGS

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

 0059 0060 0485
 8090183.04
 0000
 5
 2023
 Plat Ref: 0056/ 0137

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1999 4,768 SF 2278 SF 2.0500 AC 04

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements

YES STANDARD UNITFRAME/7 4 full/ 1 half 1 Attached

#### Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2023	As of 07/01/2023	As of 07/01/2024
Land:	276,200	276,200		
Improvements	793,700	1,005,300		
Total:	1,069,900	1,281,500	1,140,433	1,210,967
Preferential Land:	0	0		

#### Transfer Information

Seller: ZINZ STEVEN M Type: ARMS LENGTH IMPROVED	Date: 08/27/1999 Deed1: /13988/ 00111	Price: \$750,250 Deed2:
Seller: SYLVIA CORPORATION Type: NON-ARMS LENGTH OTHER	Date: 08/31/1998 Deed1: /13115/ 00011	Price: \$200,000 Deed2;
Seller: FRANKLIN CIRCLE INC Type: ARMS LENGTH VACANT	Date: 04/05/1996 Deed1: /11517/ 00248	Price: \$145,000 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**

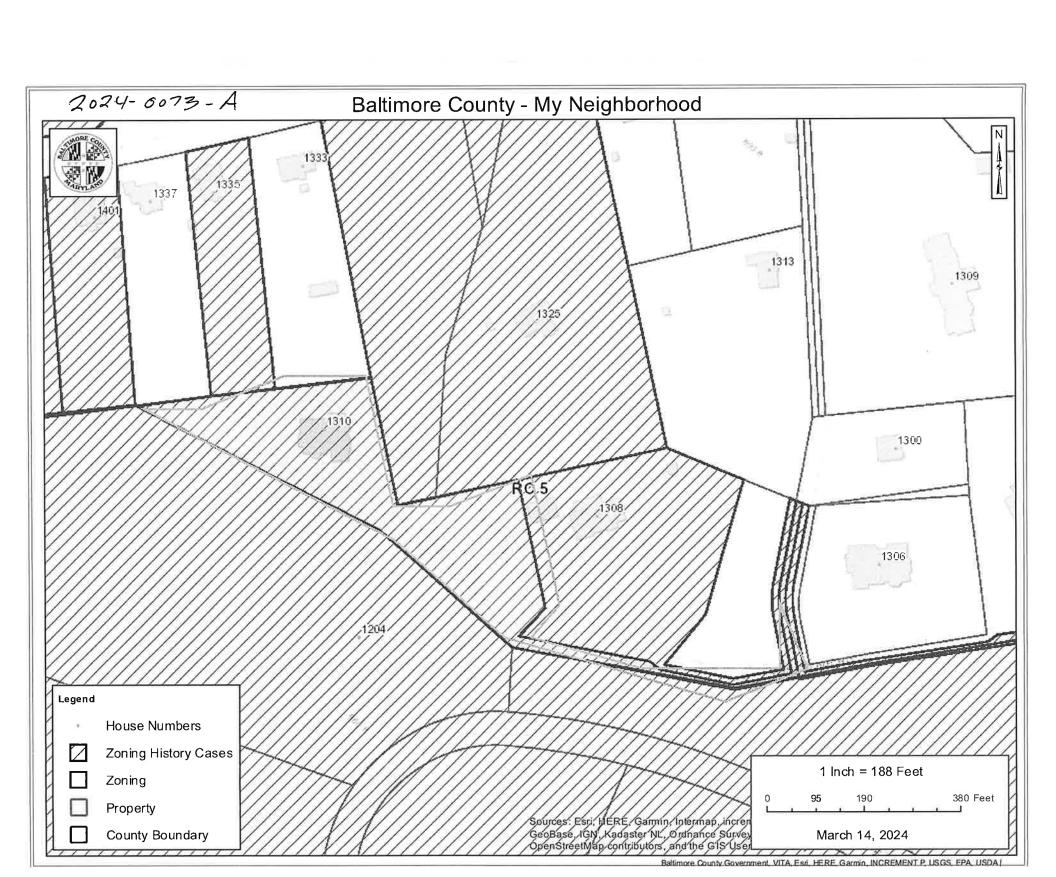
Homestead Application Status: Approved 06/03/2010

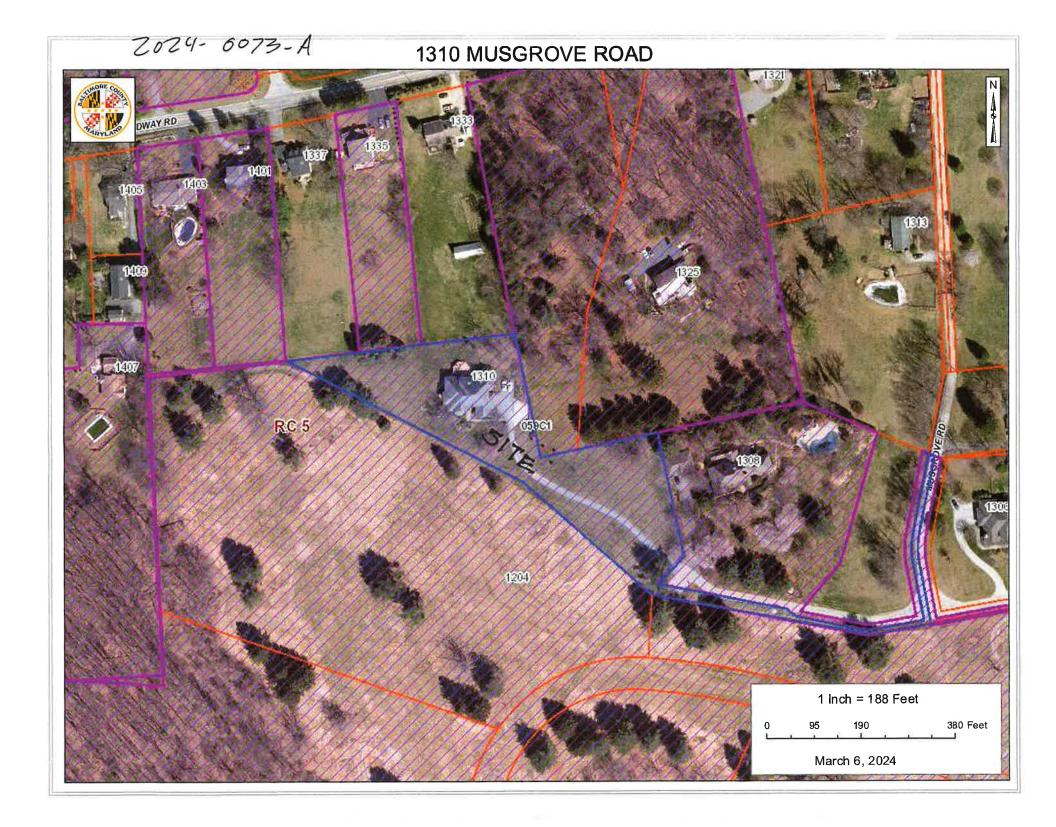
#### Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0073-A

1/1







2624-6073-A

ı



Z024-6073-A

2



Z024-0073-A 3



Z. 24- 6073-A



2024-6073-A 5



2024- 6073-A

6



2024-6073-A 7



2624-0073-A

