



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

June 20, 2024

Steven Sturgis and Linda Westcot – stevensturgis1@live.com
13217 Choptank Road
Middle River, MD 21220

RE: Petition for Administrative Variance
Case No. 2024-0134-A
Property: 13217 Choptank Road

Dear Mr. Sturgis and Ms. Westcot:

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 blue ink, appearing to read "Andrew M. Belt", is written over a horizontal line.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlw
Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(13217 Choptank Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Steven Sturgis & Linda Westcot	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2024-0134-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 Sturgis and Linda Westcot (“Petitioners”) for the property located at 13217 Choptank Road, Middle River (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), Section 400.1, to approve an accessory building (garage) in side yard in lieu of the required rear yard only and to allow the side yard with a setback of 2.0 ft. in lieu of the required 2.5 ft.

The Property is more fully depicted on 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-2C). There were no adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on June 1, 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.

Although the Department of Planning did not make any recommendations related to the detached garage, I will impose conditions that the detached garage shall not be converted into a dwelling unit or apartment, shall not contain any sleeping quarters, living area, kitchen or bathroom facilities, and will not have separate electric or utility connections, or used for commercial purposes.

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 20th day of **June, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR"), Section 400.1, to approve an accessory building (garage) in side yard in lieu of the required rear yard only and to allow the side yard with a setback of 2.0 ft. in lieu of the required 2.5 ft., and it is hereby, **GRANTED**; and

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 and subsequent owners shall not convert the detached garage into a dwelling unit or apartment. The detached garage shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities.

3. The detached garage shall not have a separate utility or electric connection and shall connect all electrical to the home.

4. The detached garage shall not be used for commercial or industrial purposes.

5. Petitioners must comply with the critical area and flood protection regulations, if applicable.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlw

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024 - 0134 -A Address 13217 Choptank Rd

Contact Person: TYLER COX Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/23/24 Posting Date: 6/2/24 Closing Date: 6/17/24

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

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 zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for a neighbor (occupant 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.
3. **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 notification 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 Judge), notification will be forwarded to you. The sign on the property must be changed giving 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 (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2024 - 0134 -A Address 13217 Choptank Rd

Petitioner's Name: _____ Telephone (Cell) _____

Posting Date: 6/ Closing Date: 6/

Wording for Sign: To Permit _____

BCZR 400.1 to approve an accessory building (garage) in side yard in lieu of the required rear yard only, and to allow an accessory structure in the side yard with a setback of 2.0' in lieu of the required 2.5' setback.

Revised 1/2022

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

You fill out and email to applicant



ADMINISTRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 13217 Choptank Rd. Currently Zoned Residential
Deed Reference 45004 / 00305 10 Digit Tax Account # 2 3 0 0 0 0 4 3 8 6
Owner(s) Printed Name(s) Steven Sturgis / Linda Westcot

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X **ADMINISTRATIVE VARIANCE** from Section(s)

BCZR 400.1 to approve an accessory building (garage) in side yard in lieu of the required rear yard only,
and to allow an accessory structure in the side yard with a setback of 2.0' in lieu of the required 2.5'
setback.

of the zoning

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Name #1 - Type or Print Steven Sturgis / Linda Westcot
Signature #1 [Signature] / [Signature]
Mailing Address 13217 Choptank Rd. Middle River, MD
City State
Zip Code 21220 / Telephone #'s (Cell and Home) 443 838-4659 / Email Address Stevensturgis1@live.com

Attorney for Owner(s)/Petitioner(s):

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Representative to be Contacted:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 13th day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

Case Number 2024-0134-A Filing Date 5 / 23 / 2024 Estimated Posting Date 6 / 2 / 24 Reviewer TJ

Closing 6/17/24

Revised 8/2022

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

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

Address: 1327 Choptank Rd Middle River Md 21220
Print or Type Address of Property City State Zip Code

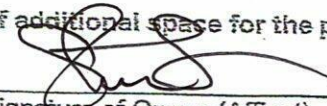
Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here) I want to build a garage on the side of my house that will be two feet from the property line.

The property I need a variance for is in a critical bay area. Therefore it is in the best interest of the environment to locate the building on an existing driveway which will leave more pervious surface.

The needed square foot building space is due to the construction of the house did not include an attic or basement.

The adjoining property is used for storm water drainage thus no residence exists.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)


Signature of Owner (Affiant)

Steven Sturgis
Name - Print or Type


Signature of Owner (Affiant)

Linda Westcot
Name - Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

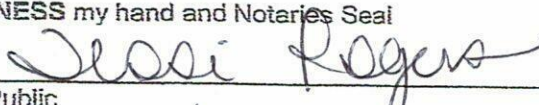
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of May, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Steven Sturgis and Linda Westcot

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal


Notary Public

04/03/2026
My Commission Expires

TESSI ROGERS
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND

My Commission Expires April 03, 2026

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Property Descriptions

PART A (START DESCRIPTION WITH THE FOLLOWING): ZONING PROPERTY DESCRIPTION FOR_13217
Choptank Rd *Beginning at a point on the (South) side of (Choptank Road) which is (20') wide at the distance of (182') (South) of the centerline of the nearest improved intersecting street (Greenbank road) which is (18') wide.

OPTION 2: (Subdivision Lot – lot is part of record plat): Being Lot # (198), Block (), Section # (B) in the subdivision of (Oliver Beach) as recorded in Baltimore County Plat Book # (0014/0037), Folio # (00305), containing (2250 sqft). Located in the (15th) Election District and (5th) council district.

2024-0134-A

CERTIFICATE OF POSTING

CASE NO. 2024-0134

PETITIONER/DEVELOPER

Steven Sturgis

DATE OF HEARING/CLOSING

June 17, 2024

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT
13217 Choptank Road



THE SIGN(S) POSTED ON June 1, 2024

(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: June 10, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0134-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: June 20, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0134-A
Address: 13217 CHOPTANK RD
Legal Owner: Steven Sturgis, Linda Westcot

Zoning Advisory Committee Meeting of June 14, 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 subject property is located within a Limited Development Area (LDA). The lot is 14,984 square feet (sf). LDA regulations impose a lot coverage limit of 25% or 3,746 sf on this lot. Alternately, a lot coverage limit of 31.25% or 4,683 sf is allowed with mitigation for the amount above 25%. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). Current lot coverage with the unpermitted garage is at the maximum amount allowed. If the applicant designs the project to meet Critical Area lot coverage requirements, the development can result in minimal adverse impacts to water quality with the setback relief requested.

In addition, there is a 15% forest cover requirement for LDA properties that requires a minimum of five trees to be maintained on this property at all times.

2. Conserve fish, plant, and wildlife habitat;

This is a non-waterfront lot within the Critical Area. Therefore, if the proposed development can comply with Critical Area lot coverage and the 15% afforestation requirement, this can aid in the conservation of fish, plant, and wildlife habitat in the 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 property can meet all Critical Area requirements, the relief requested can be consistent with established land-use policies.

Reviewer: Marie Brady, Environmental Impact Review

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 2300004386

Owner Information

Owner Name:	STURGIS STEVEN M WESTCOT LINDA E	Use:	RESIDENTIAL
Mailing Address:	13217 CHOPTANK RD MIDDLE RIVER MD 21220-	Principal Residence:	YES
		Deed Reference:	/45004/ 00305

Location & Structure Information

Premises Address:	13217 CHOPTANK RD MIDDLE RIVER 21220-1106	Legal Description:	.344AC LT198 PT 199 13217 CHOPTANK RD OLIVER BEACH
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Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0084 0001 0042 15020011.04 0000 B 198 2024 Plat Ref: 0014/ 0037

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1949	2,250 SF		14,984 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1 1/2	NO	STANDARD UNITS	SIDING/3	1 full			

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	87,700	92,400		
Improvements	128,300	169,200		
Total:	216,000	261,600	216,000	231,200
Preferential Land:	0	0		

Transfer Information

Seller: STURGIS TERRI S	Date: 06/25/2021	Price: \$145,000
Type: NON-ARMS LENGTH OTHER	Deed1: /45004/ 00305	Deed2:
Seller: NORRIS JOHN D.JR	Date: 11/05/2004	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /20935/ 00606	Deed2:
Seller: BERRY HERBERT D	Date: 02/04/1999	Price: \$130,000
Type: ARMS LENGTH MULTIPLE	Deed1: /13504/ 00155	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:

2024-0134-A



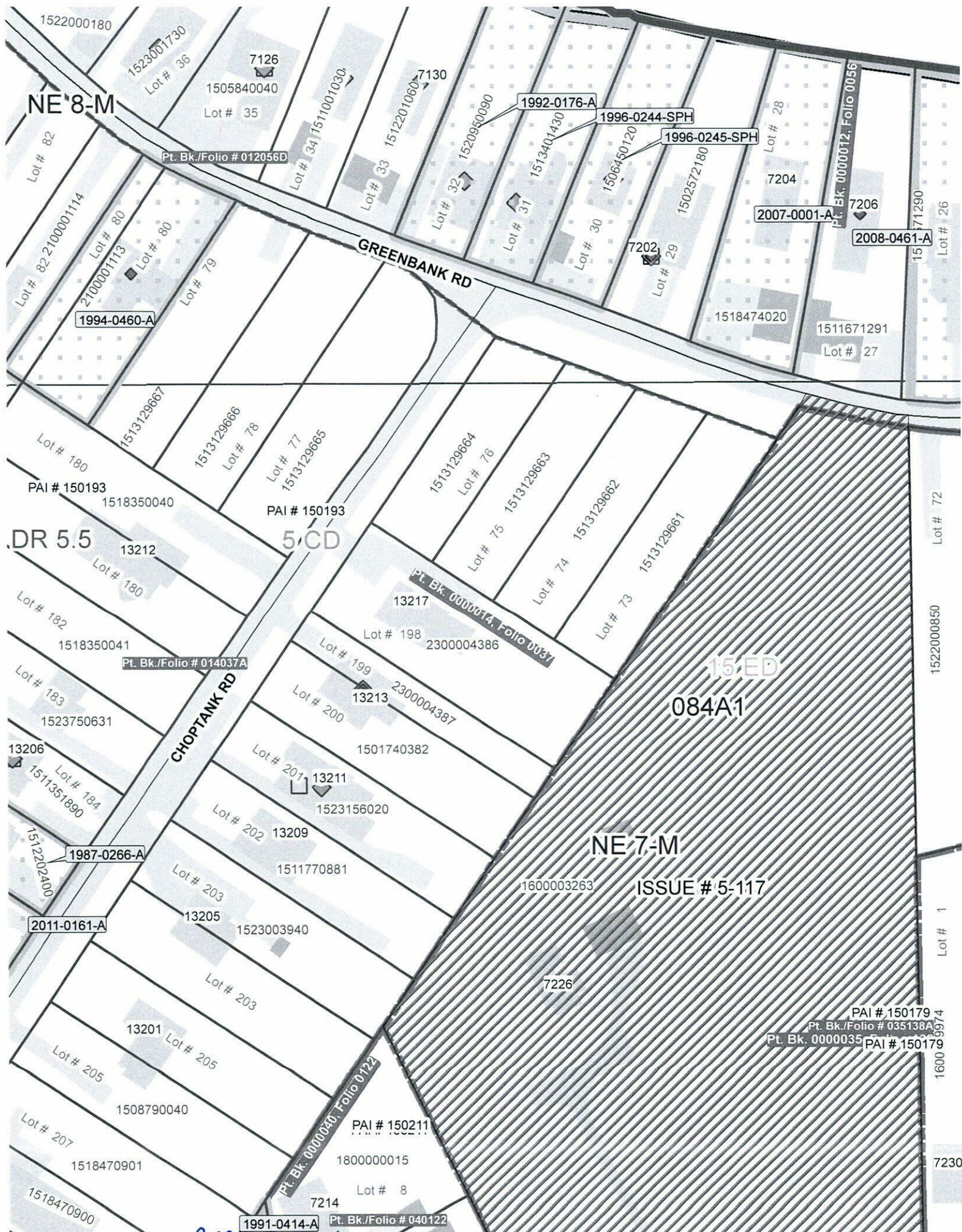
2024-0134-A



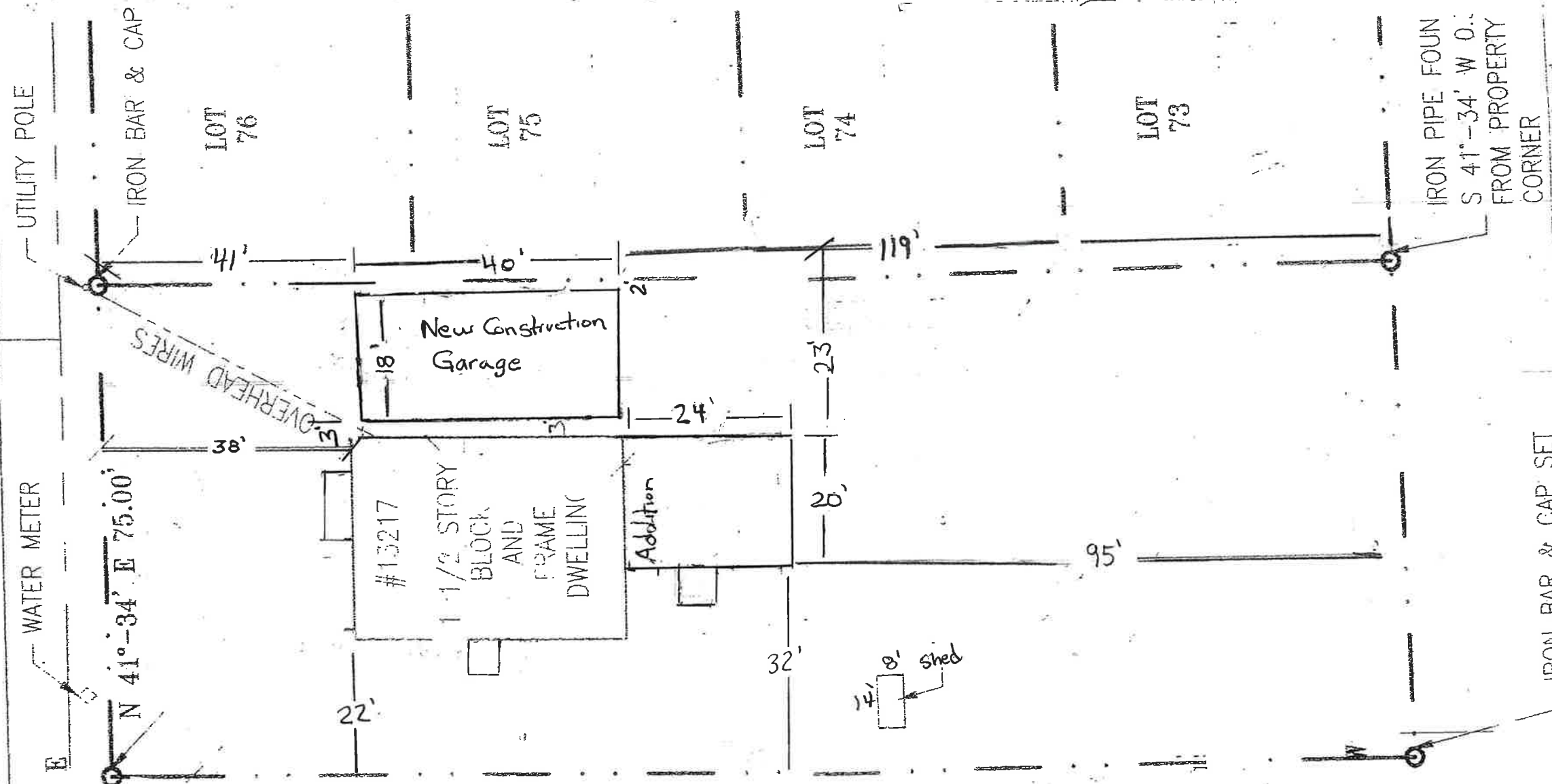
2024-0132-A



2024-0134-A



ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 13217 Choptank Rd OWNER(S) NAME(S) Steven Sturgis and Linda Westcot
SUBDIVISION NAME Oliver Beach 000 LOT # 198 BLOCK # _____ SECTION # B
PLAT BOOK # 14 FOLIO # 37 TO DIGIT TAX # 2300004386 DEED REF. # 45004/00305



LOCATION DISCRPTION

13217 Choptank Road and Greenbank Road. Beginning at the Northeast corner, the property is 300 feet Southwest of Greenbank Road.

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP # 0084

SITE ZONED Residential

ELECTION DISTRICT 15

COUNCIL DISTRICT _____

LOT AREA ACREAGE _____

OR SQUARE FEET 14,984

HISTORIC? NO

IN CBQA? _____

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

CHOPTANK ROAD

PLAN DRAWN BY _____

DATE _____

SCALE: 1 INCH = 20 FEET

2024-0134-A