



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 26, 2024

James and Dorothy O'Connor -- lodomm@aol.com
1635 Freeland Road
Freeland, MD 21053

RE: Petition for Administrative Variance
Case No. 2024-0138-A
Property: 1635 Freeland Road

Dear Mr. and Mrs. O'Connor:

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 be "DJB", is written over a circular blue stamp.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlw
Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1635 Freeland Road)		
6 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
	*	HEARINGS FOR
James & Dorothy O'Connor		
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2024-0138-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, James and Dorothy O'Connor (“Petitioners”), for the property located at 1635 Freeland Road, Freeland (the “Property”). The Petitioners are requesting variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”), Section 400.1, to allow an accessory building (detached garage) in the side yard in lieu of the rear yard. The subject property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1. Street view photographs were marked and accepted into evidence as Petitioners’ Exhibits 2A-2E.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 8, 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 affidavits as required by Section 32-3-303 of the Baltimore County Code (“BCC”). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts to satisfy the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for 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 26th day of **June, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (“BCZR”), Section 400.1, to allow an accessory building (detached garage) in the side yard in lieu of the rear yard, be 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 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.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlw



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 1635 FREELAND RD Currently Zoned R
Deed Reference 05818 / 00735 10 Digit Tax Account # 1 7 6 0 0 1 3 9 8 3
Owner(s) Printed Name(s) JAMES & DOROTHY O'CONNOR

(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. ☒ **ADMINISTRATIVE VARIANCE** from Section(s)

See attached

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

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):

JAMES O'CONNOR 1 DOROTHY O'CONNOR
Name #1 - Type or Print Name #2 - Type or Print

[Signature] 1 [Signature]
Signature #1 Signature #2

1635 FREELAND RD FREELAND MD
Mailing Address City State

210531 443-616-5025 1LODOMM9AOL.COM
Zip Code Telephone #'s (Cell and Home) Email Address

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 _____ 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 2024-0138-A Filing Date 1 / 1 Estimated Posting Date 6 / 9 / 24 Reviewer [Signature]
Closing 6/24/24 Revised 8/2022

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

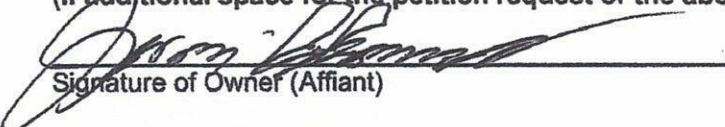
The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in 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: 1635 FREELAND RD FREELAND MD 21053
Print or Type Address of Property City State Zip Code

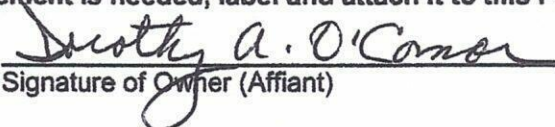
Based upon personal knowledge, the following are the facts upon which I/we base the request for an **Administrative Variance** at the above address. (Clearly state practical difficulty or hardship here)

- I LIVE IN A WOODED AREA - NOT VISIBLE FROM THE ROAD
- I'M 76 YEARS OLD AND NEED EASY ACCESS TO HOUSE
- IT IS THE LOGICAL PLACE TO BUILD BECAUSE OF SLOPING TERRAIN
- COST TO BUILD ELSEWHERE WOULD BE PROHIBITIVE

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


Signature of Owner (Affiant)

JAMES O'CONNOR
Name - Print or Type


Signature of Owner (Affiant)

DOROTHY O'CONNOR
Name - Print or Type

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

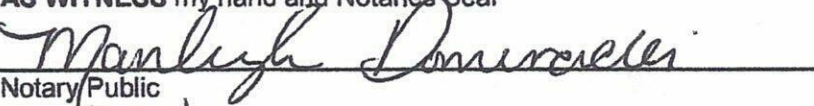
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15 day of April, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: James O'Connor and Dorothy O'Connors

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

AS WITNESS my hand and Notaries Seal


Notary Public
04/21/2027
My Commission Expires

MARLEIGH P DOMERACKI
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
My Commission Expires 4/21/2027

Zoning Petition Attachment

To permit a variance from Section 400.1 to allow an accessory structure in the side yard in lieu of the rear yard

Zoning Petition Property Description

1635 Freeland Rd.

Beginning at a point on the south side of Freeland Rd. which is 24' wide and 525' ^{South} west of Millers Mill Rd. which is 20' wide to Lot #1, Block #16, Section #34, in the sub-division known as Elf Hill as recorded in Baltimore County Plat book #041, Folio #114 containing 3 acres. Located in the 6th Election District.

ZONING PETITION PROPERTY DESCRIPTION FOR 1635 FREELAND RD

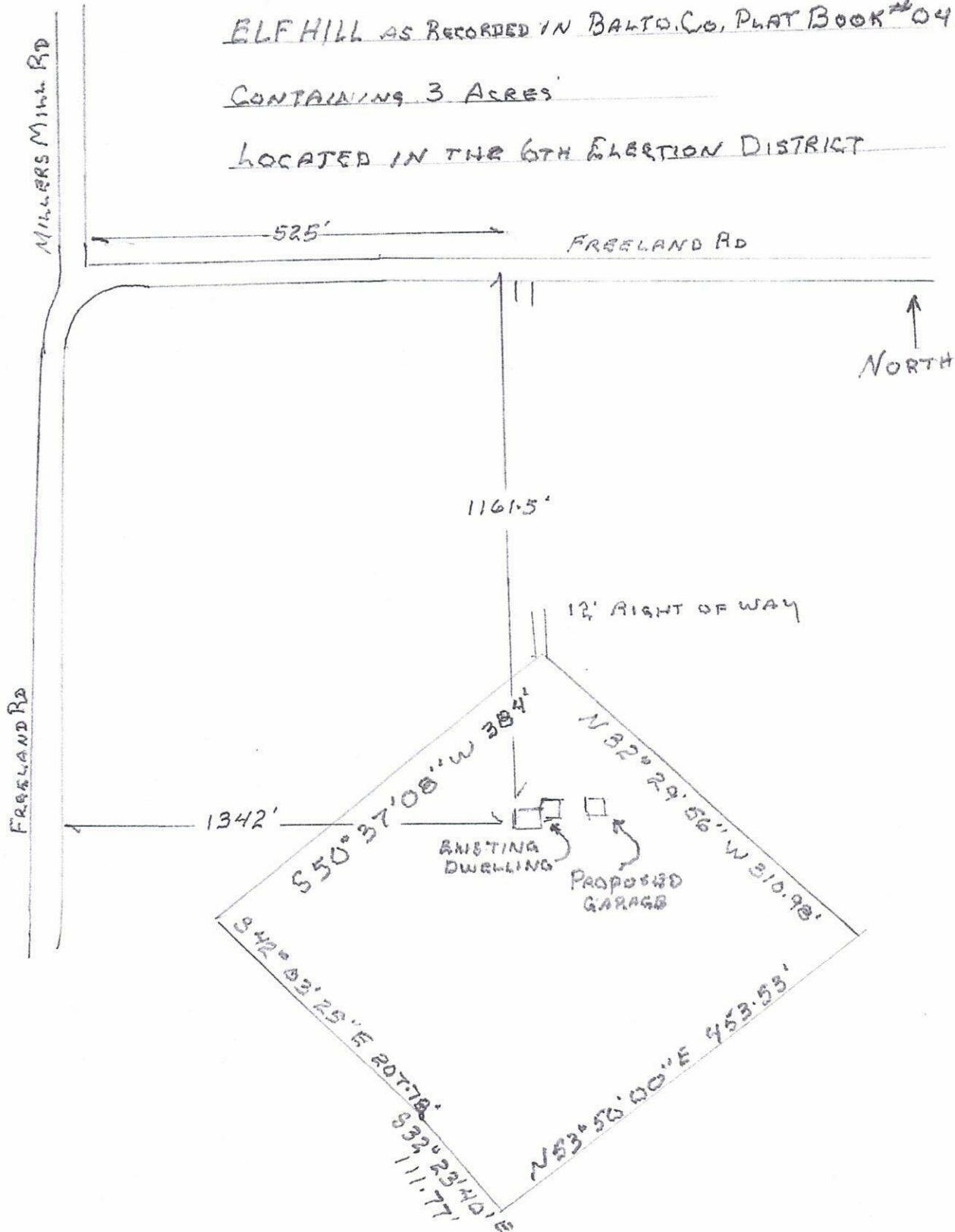
1635 FREELAND RD

BEING LOT #1, BLOCK #16, SECTION #34 IN THE SUBDIVISION

ELFHILL AS RECORDED IN BALTO. CO. PLAT BOOK #041 FOLIO #114

CONTAINING 3 ACRES

LOCATED IN THE 6TH ELECTION DISTRICT



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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024 - 0138 -A Address 1635 Freeland Rd

Contact Person: Jesse Krout Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/30/24 Posting Date: 6/9/24 Closing Date: 6/24/24

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

- 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.
- 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.
- 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.
- 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: - -A Address

Petitioner's Name: Telephone (Cell)

Posting Date: Closing Date:

Wording for Sign: To Permit

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 06 Account Number - 1700013983

Owner Information

Owner Name: OCONNOR JAMES L Use: RESIDENTIAL
OCONNOR DOROTHY A Principal Residence: YES
Mailing Address: 1635 FREELAND RD Deed Reference: /05818/ 00735
FREELAND MD 21053-9578

Location & Structure Information

Premises Address: 1635 FREELAND RD Legal Description: 3.000 AC
FREELAND 21053-9578 980 E MILLERS MILL RD
ELF HILL

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0006 0016 0034 6010001.04 0000 1 2023 Plat Ref: 0041/ 0114

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1979 1,664 SF 3.0000 AC 04

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
2 YES STANDARD UNITFRAME/4 2 full/ 1 half 1 Attached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	102,600	118,800		
Improvements	216,200	248,300		
Total:	318,800	367,100	334,900	351,000
Preferential Land:	0	0		

Transfer Information

Seller: WEBSTER J BURTON	Date: 10/27/1977	Price: \$15,000
Type: ARMS LENGTH IMPROVED	Deed1: /05818/ 00735	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: Approved 04/30/2008

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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

No. 230434

Date: 5/23/24

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	006	0000		050					75.00

Total: 75.00

Rec
From: Dorothy O'Connor

For: 1635 Freeland Rd Admin Variance

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

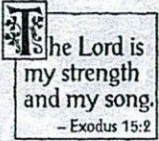
YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

Checks Unlimited 1-800-210-0458 www.checksunlimited.com

 Dorothy O'Connor
Larry O'Connor
410-343-1240
1635 Freeland Rd
Freeland, MD 21053

60-295/313 11086

4/21 20 24

Pay to the order of BALTIMORE COUNTY \$ 75.00

SEVENTY-FIVE Dollars

M&T BANK

With God, All Things Are Possible.

For _____

MP

MEDIA ARTS GROUP, INC., MORGAN HILL, CA



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

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To the Office of Administrative Hearings for Baltimore County for the property located at:

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Deed Reference 05818 / 00735 10 Digit Tax Account # 1 7 6 0 0 1 3 9 8 3
Owner(s) Printed Name(s) JAMES & DOROTHY O'CONNOR

(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. ☒ **ADMINISTRATIVE VARIANCE** from Section(s)

See attached

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

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):

JAMES O'CONNOR 1 DOROTHY O'CONNOR
Name #1 - Type or Print Name #2 - Type or Print

[Signature] 1 [Signature]
Signature #1 Signature #2

1635 FREELAND RD FREELAND MD
Mailing Address City State

210531 443-616-5025 1LODOMM9AOL.COM
Zip Code Telephone #'s (Cell and Home) Email Address

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 _____ 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 2024-0138-A Filing Date 1 / 1 Estimated Posting Date 6 / 9 / 24 Reviewer [Signature]
Closing 6/24/24 Revised 8/2022

Zoning Petition Property Description

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Zoning Petition Attachment

To permit a variance from Section 400.1 to allow an accessory structure in the side yard in lieu of the rear yard

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 6/8/2024

Case Number: 2024-0138-A

Petitioner / Developer: JAMES O'CONNOR

Date of Hearing: JUNE 24, 2024

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
1635 FREELAND ROAD

The sign(s) were posted on: JUNE 8, 2024



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 14, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0138-A
Address: 1635 FREELAND RD
Legal Owner: James & Dorothy O'Connor

Zoning Advisory Committee Meeting of June 14, 2024.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Additional Comments:

Reviewer: Earl D. Wrenn

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 2024-0138-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.



PROPOSED SITE
LOOKING SOUTHEAST
FROM IN FRONT OF HOUSE



LOOKING SOUTH
PROPOSED SITE ON LEFT



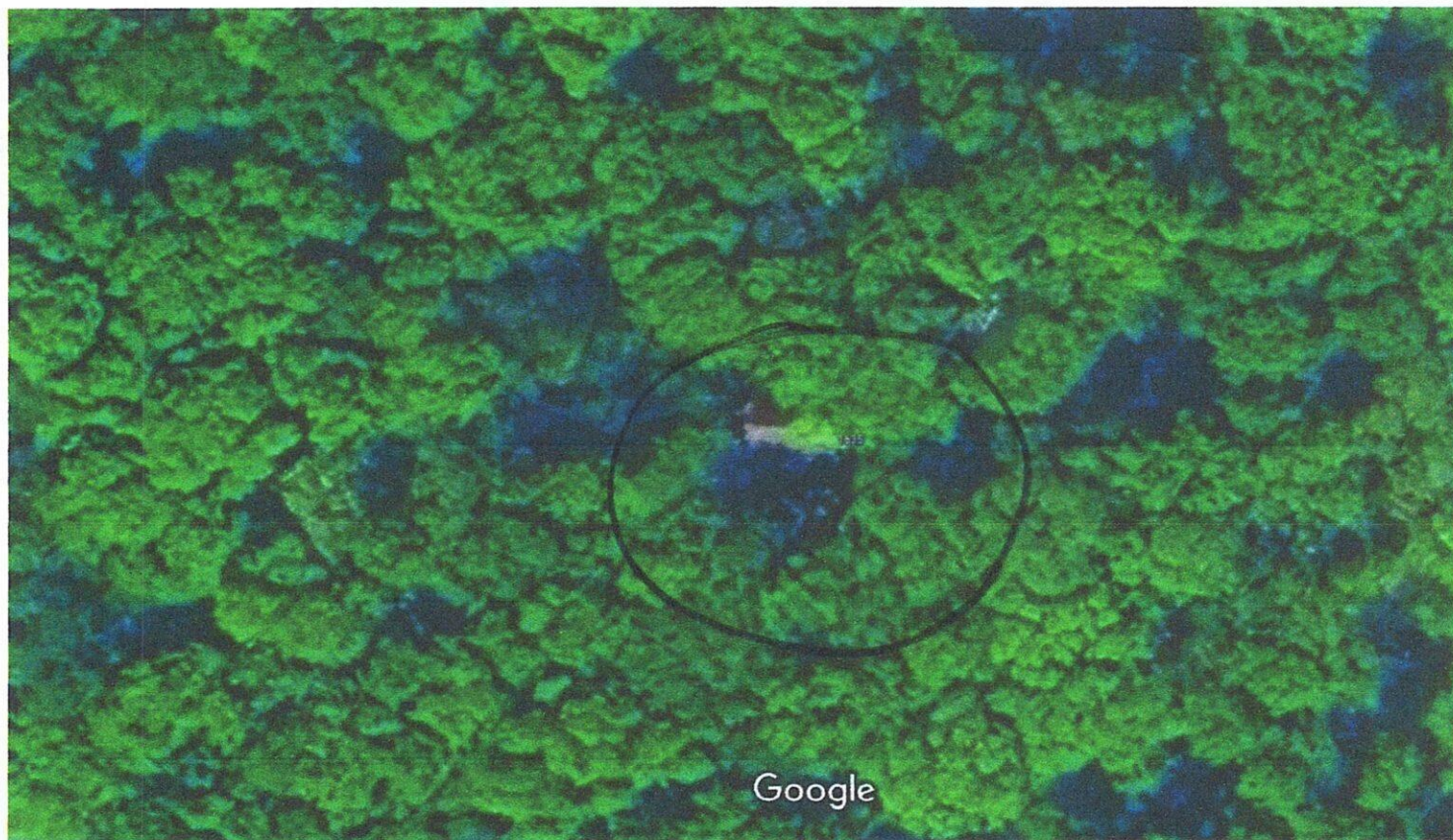
PROPOSED SITE
LOOKING EAST
FROM EXISTING GARAGE



LOOKING NORTH
NEAREST NEIGHBOR @ 275'



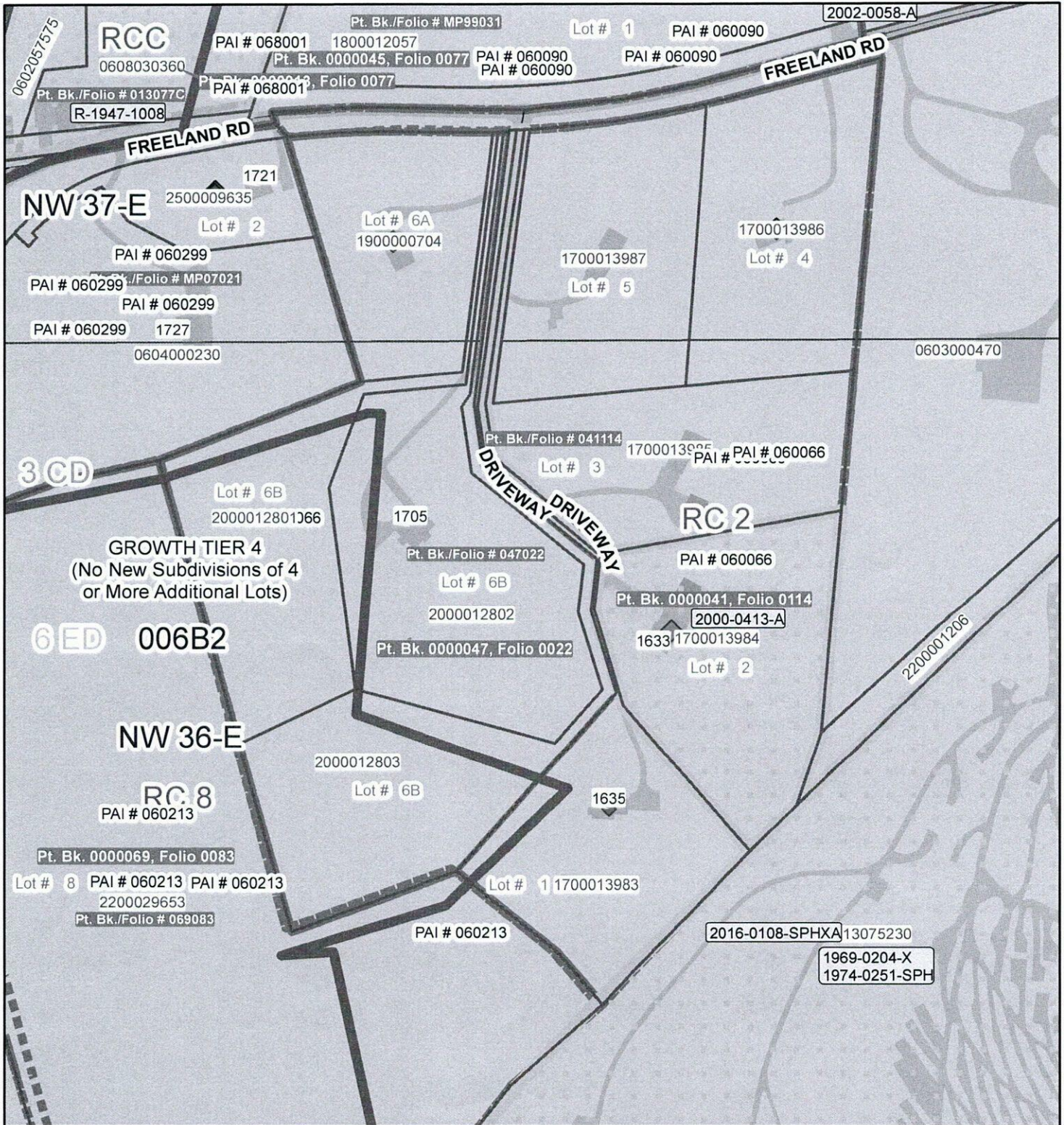
1635 Freeland Rd



Imagery ©2024 Airbus, Maxar Technologies, Map data ©2024 10 m

1635 FREELAND RD
39.69074, -76.70500

1635 freeland rd



Publication Date: 5/29/2024



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 62.5 125 250 375 500 Feet

1 inch = 223.304147 feet

ZONING PETITION PROPERTY DESCRIPTION FOR 1635 FREELAND RD

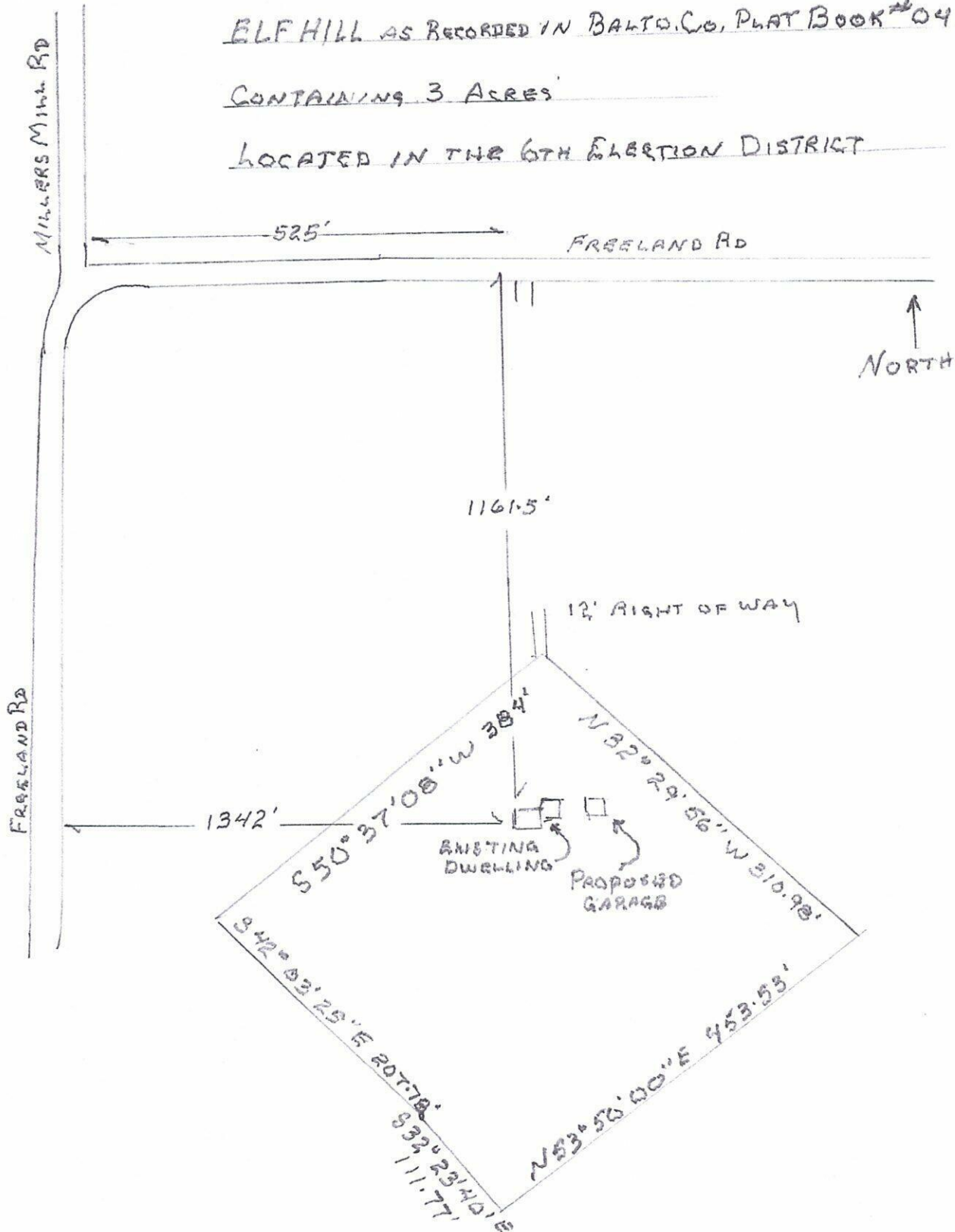
1635 FREELAND RD

BEING LOT #1, BLOCK #16, SECTION #34 IN THE SUBDIVISION

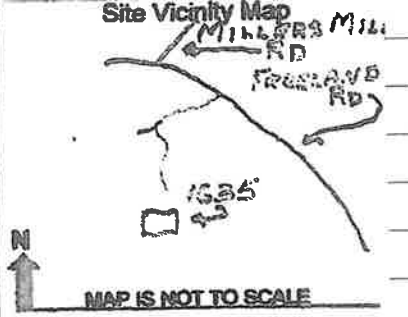
ELFHILL AS RECORDED IN BALTO. CO. PLAT BOOK #041 FOLIO #114

CONTAINING 3 ACRES

LOCATED IN THE 6TH ELECTION DISTRICT

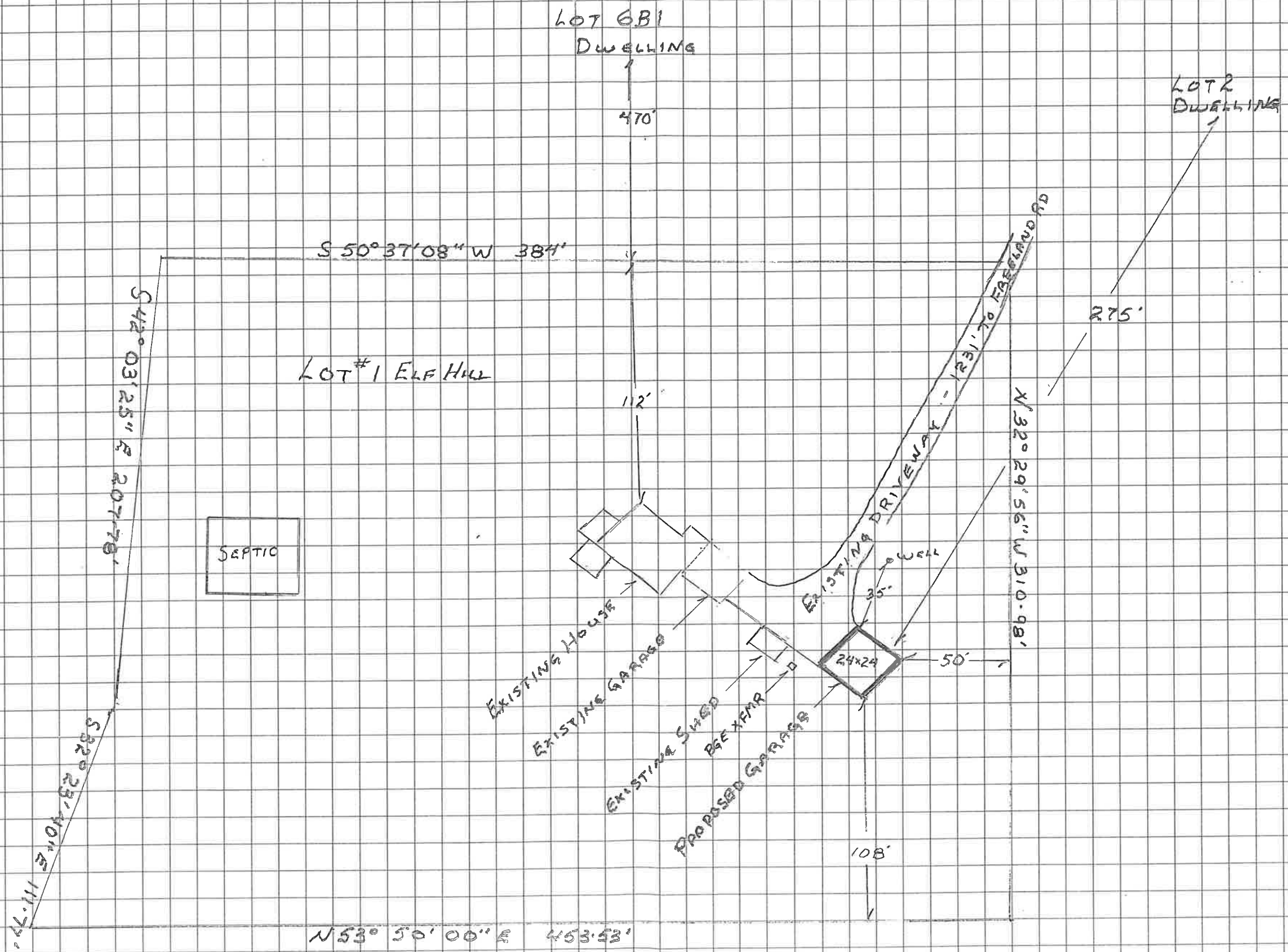


Zoning Hearing Plan for Variance X for Special Hearing _____ Mark Type Requested with (X)
Address 1035 FREELAND RD Owners(s) Name(s) JAMES & DOROTHY O'CONNOR
Subdivision Name ELF HILL Lot # 1 Block # 16 Section # 34
Plat Book # 041 Folio # 114 10 Digit Tax # 1100012925 Deed Reference# 05318100735



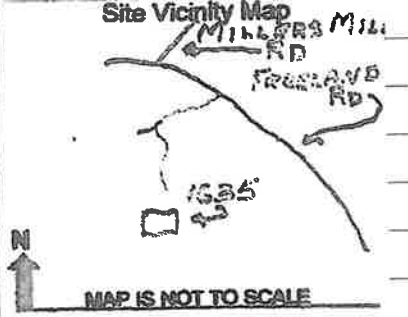
Zoning Map # 6
Zoning RC-2
Election District 6
Council District 3
Lot Area Acreage 3
Lot Square Footage 127,680
Historic (Yes or No) No
CBCA (Yes or No) No
Flood Plain (Yes or No) No
Utilities - Mark with (X)
Water is:
Public _____ Private X
Sewer is:
Public _____ Private X
Prior Hearing (Yes or No) No
If (Yes) list Case Number(s)
and order result(s) below:

Violation Case Number(s)



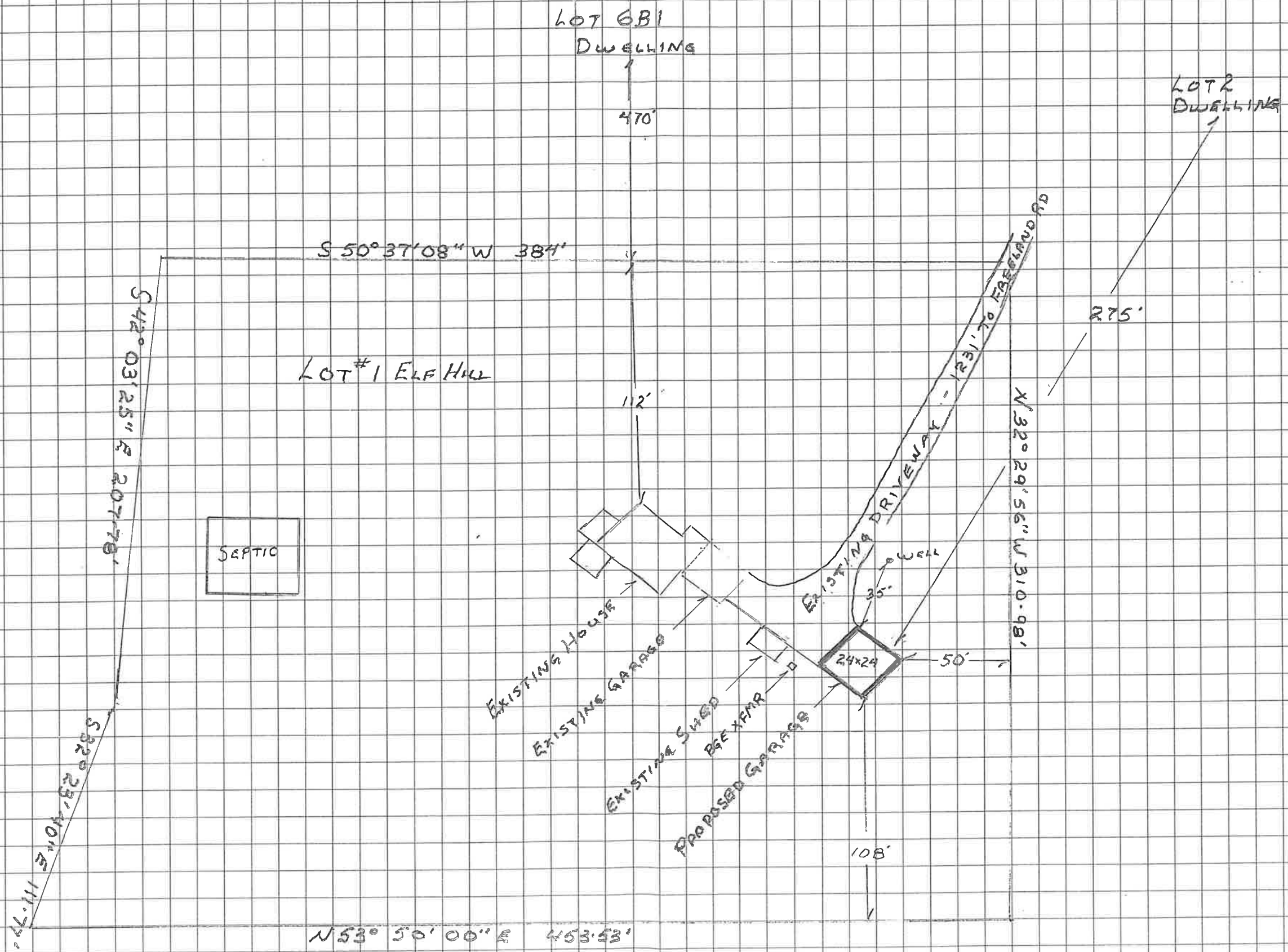
PLAN DRAWN BY: J.L. O'CONNOR DATE: 5/18/24 SCALE: 1" = 50'

Zoning Hearing Plan for Variance X for Special Hearing _____ Mark Type Requested with (X)
Address 1035 FREELAND RD Owners(s) Name(s) JAMES & DOROTHY O'CONNOR
Subdivision Name ELF HILL Lot # 1 Block # 16 Section # 34
Plat Book # 041 Folio # 114 10 Digit Tax # 1100012925 Deed Reference# 05318100735



Zoning Map # 6
Zoning RC-2
Election District 6
Council District 3
Lot Area Acreage 3
Lot Square Footage 127,680
Historic (Yes or No) No
CBCA (Yes or No) No
Flood Plain (Yes or No) No
Utilities - Mark with (X)
Water is:
Public _____ Private X
Sewer is:
Public _____ Private X
Prior Hearing (Yes or No) No
If (Yes) list Case Number(s)
and order result(s) below:

Violation Case Number(s)



PLAN DRAWN BY: J.L. O'CONNOR DATE: 5/18/24 SCALE: 1" = 50'