



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

August 28, 2024

Paul S. Todd – [stirlingnurseries@gmail.com](mailto:stirlingnurseries@gmail.com)  
3000 Shepperd Road  
Monkton, MD 21111

RE: Petition for Administrative Variance  
Case No. 2024-0143-A  
Property: 3000 Shepperd Road

Dear Mr. Todd:

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 the word "Sincerely,".

DEREK J. BAUMGARDNER  
Administrative Law Judge  
for Baltimore County

DJB:dlw  
Enclosure

|                                            |   |                             |
|--------------------------------------------|---|-----------------------------|
| <b>IN RE: PETITION FOR ADMIN. VARIANCE</b> | * | BEFORE THE                  |
| <b>(3000 Shepperd Road)</b>                |   |                             |
| 10 <sup>th</sup> Election District         | * | OFFICE OF ADMINISTRATIVE    |
| 3 <sup>rd</sup> Council District           |   |                             |
| Paul S. Todd                               | * | HEARINGS FOR                |
|                                            | * | BALTIMORE COUNTY            |
| <b>Petitioner</b>                          | * | <b>CASE NO. 2024-0143-A</b> |
|                                            |   |                             |
| *   *   *   *                              | * | *   *   *                   |

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owner of the property, Paul S. Todd (“Petitioner”), for the property located at 3000 Shepperd Road, Monkton (the “Property”). The Petitioner is requesting Variance 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.

The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioner’s Exhibit 1. Street view photographs of the Property were provided. (Pet. Exs. 2A-2-E). A Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability (“DEPS”), dated June 10, 2024 and received June 20, 2024, indicating that if the zoning variance is granted, DEPS requests that certain conditions be met as stated in their comment.

The Petitioner having filed a Petition for Administrative Variance and the Property having been posted on August 11, 2024 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 Petitioner.

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 28<sup>th</sup> day of **August, 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 allow an accessory building (detached garage) in the side yard in lieu of the rear yard, and it is hereby, **GRANTED**; and

The relief granted herein shall be subject to the following:

1. Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner 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. Petitioner must comply with the DEPS ZAC comment, dated June 10, 2024 and received June 20, 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



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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 3000 SHEPPERD RD Currently Zoned RC2  
Deed Reference 29089 1 00143 10 Digit Tax Account # 25-00-005900  
Owner(s) Printed Name(s) PAUL S. GOOD

(SELECT THE HEARING(S) BY MARKING ☒ 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):

PAUL S. GOOD  
Name #1 - Type or Print Name #2 - Type or Print  
Paul S. Good  
Signature #1 Signature #2  
3000 SHEPPERD RD MONKTON MD  
Mailing Address City State  
21111 410 804 0885 STIRLING NURSERIES @ GMAIL.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:

Above  
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.

Case Number 2004-0143-A Filing Date 6, 3, 24 Administrative Law Judge for Baltimore County  
Estimated Posting Date 6, 16, 24 Reviewer [Signature]

*Closing: 7/1/24*

## Affidavit in Support of Administrative Variance

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: 3000 STEPPER RD. MONTICELLO MD. 21111  
 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)**

BUILD A DETACHED GARAGE ON THE ONLY POSSIBLE AREA DUE TO SEPTIC AREA AND STEEP GRADE BEHIND THE HOUSE AND STEEP GRADE GOING INTO FOREST CONSERVATION ON OTHER SIDE OF EXISTING HOUSE. PROPOSED AREA IS LEVEL AND CLOSEST TO FRONT DOOR OF EXISTING HOUSE AND PARKING AREA.

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

  
Signature of Owner (Affiant)

Signature of Owner (Affiant)

David S. Todd  
Name - Print or Type

\_\_\_\_\_  
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 28 day of MAY, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Paul Topp

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

**AS WITNESS** my hand and Notaries Seal

Notary Public

My Commission Expires

SCOTT KUCERA  
NOTARY PUBLIC  
BALTIMORE COUNTY  
MARYLAND  
MY COMMISSION EXPIRES MAY 15, 2028

### Zoning Property Description A

Beginning at a point on the West side of Shepperd Rd which is 12 feet wide at the distance of 420 feet South West of the centerline of the nearest improved intersecting street Troyer Rd which is 14 wide.

## Petition Attachment

To permit a variance from section 400.1 to allow an accessory building in the side yard in lieu of the rear yard.



# McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning  
Real Estate Development*

Description of  
3000 Shepperd Road  
10<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
Baltimore County, MD



Beginning for the same at the end of the second line, of that parcel of land, which by deed dated November 25, 1966, and recorded among the Land Records of Baltimore County in Liber 4701 Folio 355 was granted and conveyed by Lawrence Majchrzak and Anna Catherine Majchrzak, unto Richard Albert Uhler and Mildred Marlene Uhler, thence running reversely along said second line, as now surveyed and referred to the Maryland State Coordinate System (1) S 52° 48' 05" E 261.87 feet, thence running for new lines of division the three following courses and distances (2) S 15° 58' 45" W 136.01 feet, (3) S 12° 16' 33" E 49.12 feet, and (4) S 66° 47' 24" E 290.00 feet to the center of Shepperd Road and also to intersect the third line of that parcel of land, which by deed dated November 25, 1966, and recorded among the Land Records of Baltimore County in Liber 4701 Folio 355 was granted and conveyed by Lawrence Majchrzak and Anna Catherine Majchrzak, unto Richard Albert Uhler and Mildred Marlene Uhler, thence running along said third line and also along the center of Shepperd Road (5) S 41° 15' 26" W 21.03 feet, thence running along the fourth and fifth lines of said deed, (6) N 66° 47' 24" W 650.99 feet, and (7) N 37° 54' 50" E 266.98 feet to the point of the beginning.

Containing 1.731 acres of land more or less.

Being known and designated as 3000 Shepperd Road

Also being known as Lot 2 as shown on the Minor Subdivision Plan of the "Todd Property" approved by Baltimore County as a Minor Subdivision No. 05061M.





**Permits, Approvals and  
Inspections**

111 W CHESAPEAKE AVE

TOWSON, MD 21204

4108873353

WWW.BALTIMORECOUNTYMD.GO  
V

Cashier: Mitchell K.

Transaction 102345

**Total** **\$75.00**

CREDIT CARD SALE \$75.00

VISA 5753

Retain this copy for statement  
validation

Station: Permit Processing - Mini

28-May-2024 12:53:29P

\$75.00 | Method: EMV

VISA CREDIT

XXXXXXXXXXXX5753

PAUL TODD

Reference ID: 414900562183

Auth ID: 09886A

MID: \*\*\*\*\*2995

AID: A0000000031010

AthNtwkNm: VISA

SIGNATURE

Payment 2A476YQ652SS4

Clover Privacy Policy  
<https://clover.com/privacy>





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Name #1 - Type or Print Name #2 - Type or Print  
Paul S. Good  
Signature #1 Signature #2  
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Mailing Address City State  
21111 410 804 0885 STIRLING NURSERIES @ GMAIL.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

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Above  
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Estimated Posting Date 6, 16, 24 Reviewer [Signature]

*Closing: 7/1/24*

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David S. Todd  
Name - Print or Type

\_\_\_\_\_  
Name - Print or Type

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Print name(s) here: Paul Todd

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

**AS WITNESS** my hand and Notaries Seal

Notary Public \_\_\_\_\_

My Commission Expires

SCOTT KUCERA  
NOTARY PUBLIC  
BALTIMORE COUNTY  
MARYLAND  
MY COMMISSION EXPIRES MAY 15, 2028

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*Engineering • Surveying • Environmental Planning  
Real Estate Development*

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## CERTIFICATE OF POSTING

Date: 8-11-24

RE: Case Number: 2024-0143-A

Petitioner/Developer: Todd

Date of Hearing/Closing: 8-26-24

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 3000 Shepperd Rd

The signs(s) were posted on 8-11-24  
(Month, Day, Year)

J. Lawrence Pilson  
(Signature of Sign Poster)

J. LAWRENCE PILSON  
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road  
(Street Address of Sign Poster)

Parkton, MD 21120  
(City, State, Zip Code of Sign Poster)

410-343-1443  
(Telephone Number of Sign Poster)



**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



RECEIVED

**JUN 20 2024**

OFFICE OF  
ADMINISTRATIVE HEARINGS

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 10, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0143-A  
Address: 3000 SHEPPERD RD  
Legal Owner: Paul Todd

Zoning Advisory Committee Meeting of June 14, 2024.

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

1. If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
  - a. The site plan submitted would not be acceptable for building permit approval by Ground Water Management.
  - b. Ground Water Management 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.
  - c. The building foundation of the garage must meet the min 10' setback to the existing well.
  - d. The availability of a new web application that allows for scaled maps to be easily created for properties in Baltimore County can be utilized. The new web tool or "app" was originally developed by The Department of Environmental Protection and Sustainability (DEPS) and The Office of Information Technology (OIT) to help property owners and contractors prepare site plans that comply with GWM site plan requirements for properties served by private wells and septic systems (see attached requirements and site plan app instructions). Applicants can create acceptable site plans for submission as part of their permit applications for razing existing structures, accessory structures, decks, propane tanks, and minor additions. Maps created by this tool are not acceptable for submission with permits for new construction, replacement dwellings,

major additions, or pools. This information is available on the Ground Water Management website:

<https://www.baltimorecountymd.gov/departments/environment/ground-water-management/>

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

## 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 10, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0143-A  
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<https://www.baltimorecountymd.gov/departments/environment/ground-water-management/>

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

**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 2024-0143-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.



Real Property Data Search ( )  
 Search Result for BALTIMORE COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier:

District - 10 Account Number - 2500005900

Owner Information

Owner Name:

TODD PAUL S

Use:

RESIDENTIAL

Principal Residence:

YES

Mailing Address:

PO BOX 101

Deed Reference:

/29009/ 00143

MONKTON MD 21111-0101

Location & Structure Information

Premises Address:

3000 SHEPPERD RD

Legal Description:

1.731AC

MONKTON 21111-1302

3000 SHEPPERD RD

1850 FT SW OF TROYER RD

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

0023 0016 0286 10040045.04 0000 2 2023 Plat Ref:

Town: None

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

2015 3,040 SF 1.7300 AC 04

StoriesBasement Type ExteriorQualityFull/Half Bath GarageLast Notice of Major Improvements

2 YES STANDARD UNIT SIDING/5 3 full/ 1 half

Value Information

Base Value

Value

Phase-in Assessments

As of

As of

As of

01/01/2023

07/01/2023

07/01/2024

Land:

173,800

241,400

Improvements

382,600

552,400

Total:

556,400

793,800

635,533

714,667

Preferential Land:

0

0

Transfer Information

Seller: TODD PAUL S

Date: 12/23/2009

Price: \$0

Type: NON-ARMS LENGTH OTHER

Deed1: /29009/ 00143

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:

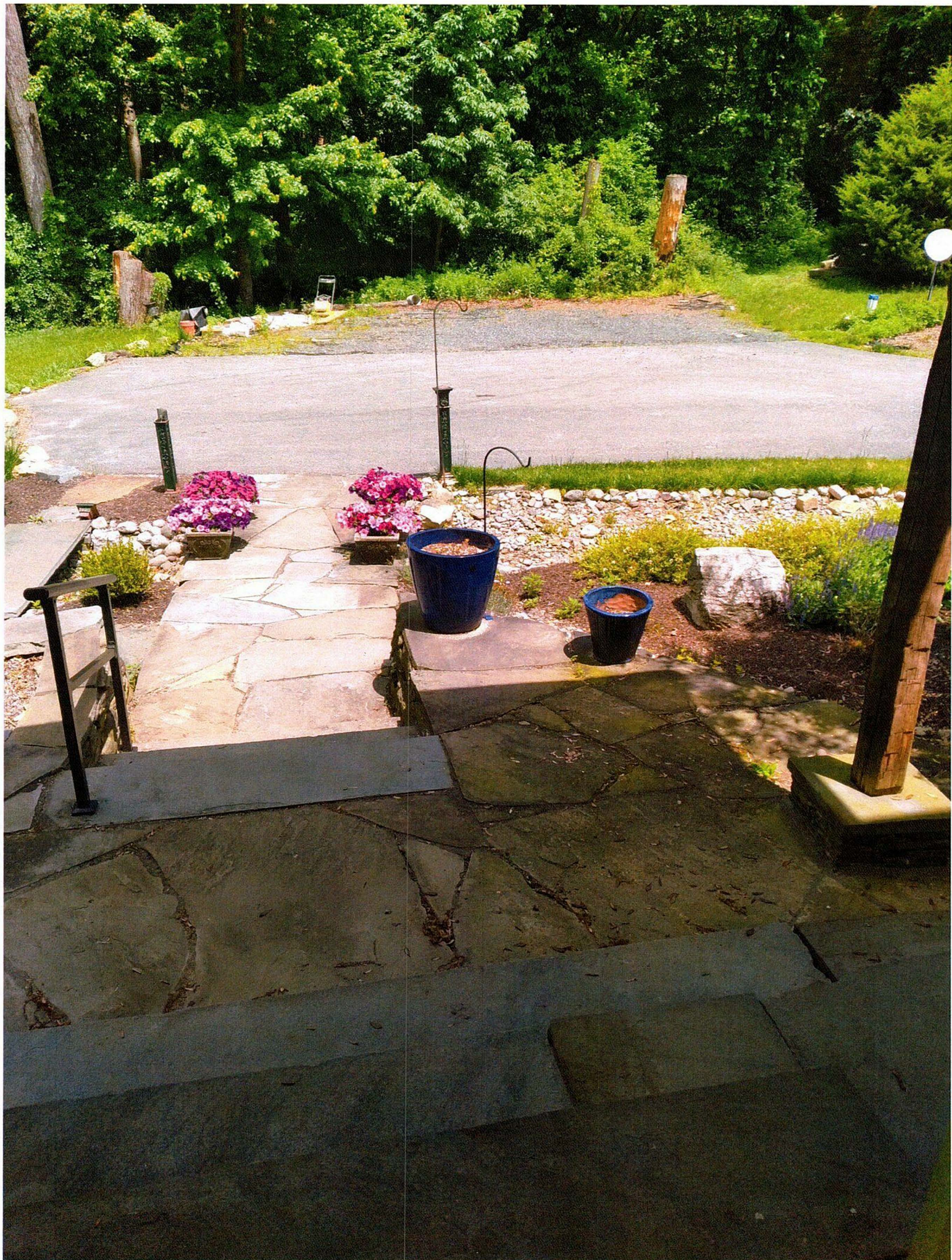
000

0.00















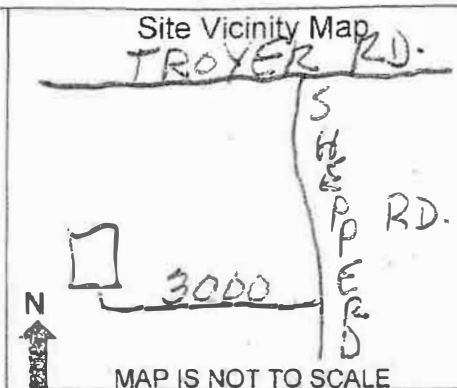








Zoning Hearing Plan for Variance ☒ for Special Hearing \_\_\_\_\_ Mark Type Requested with (X)  
Address 3000 SHEPPERD RD. Owners(s) Name(s) PAUL S TODD  
Subdivision Name Todd Property Lot # 2 Block # - Section # -  
Plat Book # \* Folio # \* 10 Digit Tax # 25 00 00 59 00 Deed Reference# 29009100143  
\*M.S. No. 05061M



Zoning Map # 023B2

Zoning RC-2

Election District 10

Council District 3

Lot Area Acreage 1.931

Lot Square Footage 75,402

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)

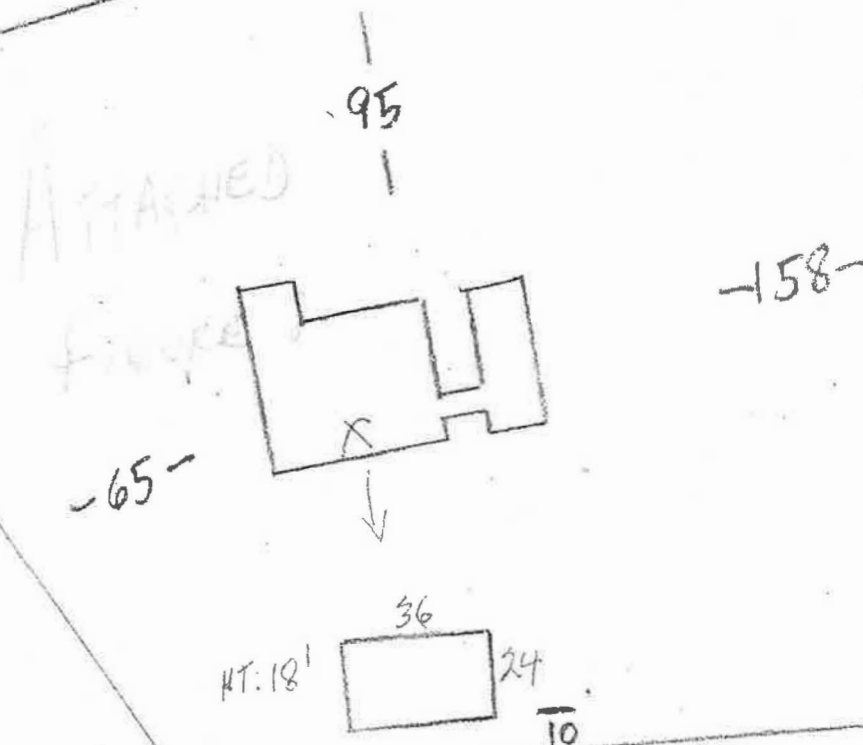
and order result(s) below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Violation Case Number(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

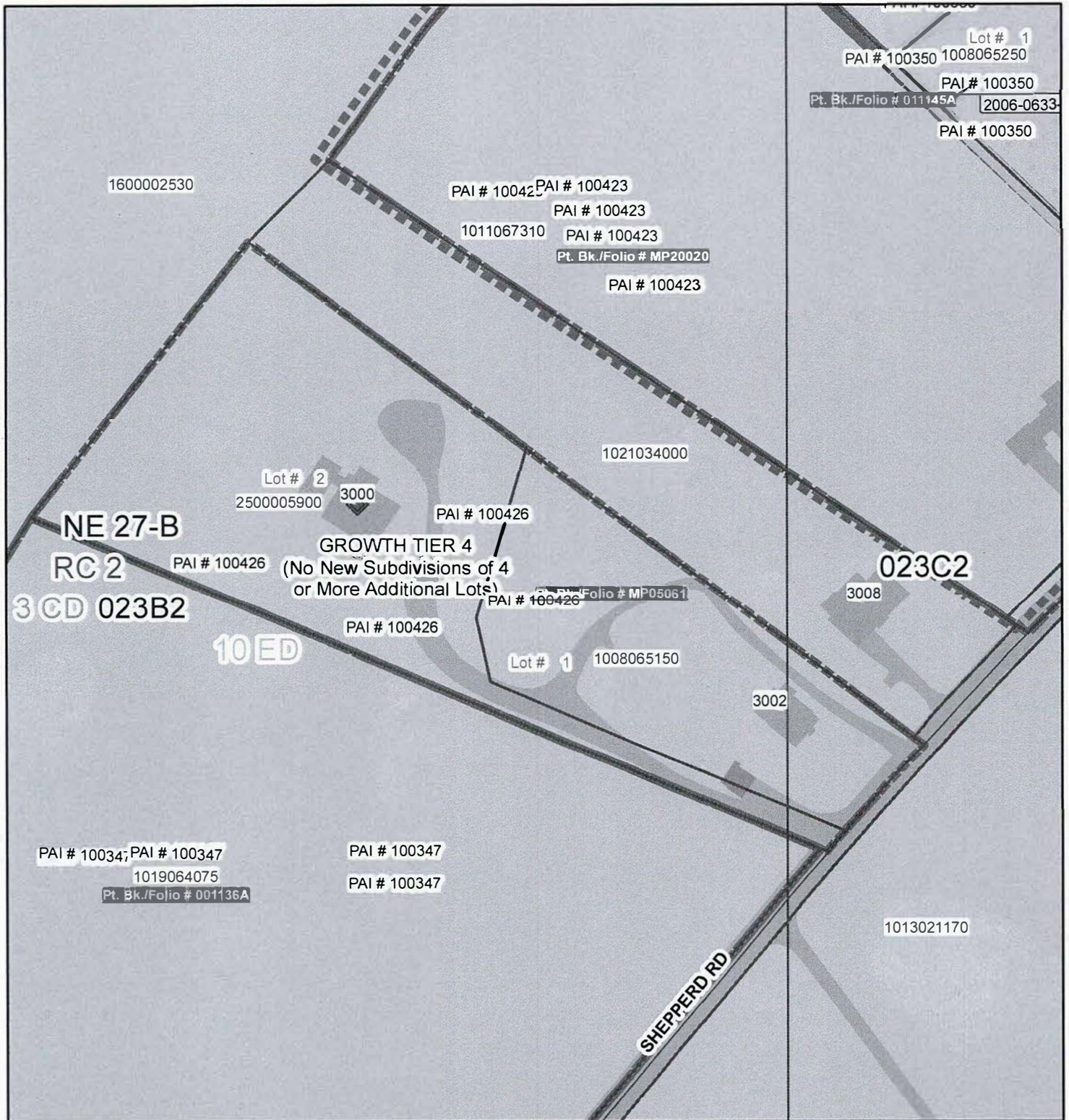
FIGURE 2



SCALE 1" = 50'

Plan Drawn By Paul S Todd Date \_\_\_\_\_ Scale: 1 inch = 50 Feet

# 3000 shepperd rd



Publication Date: 6/3/2024



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Projection/Datum: Maryland State Plane,  
FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200  
Feet

1 inch = 104.784256 feet