

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

July 12, 2024

Robert and Patricia Boccia – <u>glenoakplumbing@gmail.com</u> 12611 Harewood Road Middle River, MD 21220

RE:

Petition for Administrative Variance

Case No. 2024-0145-A

Property: 12611 Harewood Road

Dear Mr. and Mrs. Boccia:

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,

ANDREW M. BELT Administrative Law Judge

for Baltimore County

AMB:dlw Enclosure

c: Lee Giroux - giroux.lee@gmail.com

IN RE: PETITION FOR ADMIN. VARIANCE (12611 Harewood Road)

15th Election District
5th Council District

Robert & Patricia Boccia

Petitioners

BEFORE THE

* OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

* BALTIMORE COUNTY

CASE NO. 2024-0145-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 Robert and Patricia Boccia ("Petitioners") for the property located at 12611 Harewood Road, Middle River (the "Property"). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR"), Section 400.3, to permit an existing accessory building (pole barn) to be raised from 14 ft. to 19 ft. in height, in lieu of the maximum permitted height of 15 ft. The Property is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1. Street view photographs showing the area of the proposed pole barn were provided. (Pet. Exhibits 2B-2D). There were no adverse Zoning Advisory Committee ("ZAC") comments submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on June 12, 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 Site Plan, proposed elevations, and affidavit submitted provide sufficient facts that comply with the requirements of BCZR, Section 307.1. 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 existing accessory building (detached pole barn) height or location, I will impose conditions that the detached pole barn shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, 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 <u>12th</u> day of **July**, **2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Baltimore County Zoning Regulations ("BCZR"), Section 400.3, to permit an existing accessory building (pole barn) to be raised from 14 ft. to 19 ft. in height, in lieu of the maximum permitted height of 15 ft., be, and they are each 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/or subsequent owners shall not convert the detached pole barn into a dwelling unit or apartment. The detached pole barn shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

- 3. The detached pole barn shall not have a separate utility/electric meter; it shall connect to the utility and electric in the house.
- 4. The detached shall not be used for commercial or industrial purposes. The pole barn shall not be used to sell products on a wholesale or retail basis. The pole barn shall not be used as a service garage to repair or service vehicles or equipment.

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

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 12611 Harewood Rd Middle I	CIVCI MD 21220 Currently Zoned DR 5.5
	x Account # 1 5 1 3 5 5 0 9 4 0
Owner(s) Printed Name(s) Robert & Patricia	BUCCIC (ANS OTHERS)
(SELECT THE HEARING(S) BY MARKING \underline{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 a hereof, hereby petition for an:	nd which is described in the plan/plat attached hereto and made a part
1. V ADMINISTRATIVE VARIANCE from Section(s)	
BCZR: $400.3 \rightarrow$ To permit an existing accessory build in height, in lieu of the maximum permitted height	ding (pole barn) to be raised from 14 feet to 19 feet of 15 feet.
of the zoning regulations of Baltimore County, to the zoning law of Baltimore Cour	nty.
 ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to work in this space: i.e., to raze, alter or construct addition to building) 	Section 32-4-107(b) of the Baltimore County Code: (indicate type of
of the zoning regulations of Baltimore County, to the zoning law of Baltimore Cour	nty.
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 fur Baltimore County adopted pursuant to the zoning law for Baltimore County.	ther agree to be bound by the zoning regulations and restrictions of
Owner(s)/Petitioner(s): Name #1 Type or Print Signature #1 Signature #1 Patrol Signature #1 Signature #1 Signature #2 Si	a Boccia e or Print E Boccia State MD State MX Plumbing @ 9 mail. com Il Address
Attorney for Owner(s)/Petitioner(s):	Representative to be Contacted:
Name - Type or Print	Name - Type or Print
Signature	Signature 563 Westwood Ave Long Branch INJ
Mailing Address City State	Mailing Address City State
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
A PUBLIC HEARING having been formally demanded and/or found to be required by the zoning regulations of Baltimore, advertised, and re-posted as required by the zoning regulations of Baltimore, advertised, and re-posted as required by the zoning regulations of Baltimore, and re-posted as required by the zoning regulations of Baltimore, and re-posted as required by the zoning regulations of Baltimore, and re-posted as required by the zoning regulations of Baltimore, and re-posted as required by the zoning regulations of Baltimore, and re-posted as required by the zoning regulations of Baltimore, and re-posted as required by the zoning regulations of Baltimore, and re-posted as required by the zoning regulations of Baltimore, and re-posted as required by the zoning regulations of Baltimore, and re-posted as required by the zoning regulations of Baltimore, and re-posted as required by the zoning regulations of Baltimore, and re-posted as required by the zoning regulations of Baltimore, and re-posted as required by the zoning regulations of Baltimore, and re-posted as required by the zoning regulations of Baltimore, and re-posted as required by the zoning regulations of Baltimore, and re-posted as required by the zoning regulations.	that the subject matter of this petition be set for a public lore County. Administrative Law Judge for Baltimore County

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: _	12611	Harewood	Rd	Middle	River	MD	21220
	Print or Typ	e Address of Prope			ity	State	Zip Code
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Print name	-	Robert		9	Patrice	ra Bocci	4
the Affiant(s) herein, _l	personally known or	satisfactorily	y identified to	me as such Af	fiant(s).	
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My Commi	ssion Expi	es				THE CO., MO	litte.

Property Description

Address: 12611 Harewood Road

BEGINNING FOR THE first thereof on the County Road leading from the Ebenezer Road (sometimes called Mabel Avenue) at the end of the two following courses and distances North 40 degrees 10 minutes East 61-07/100 feet and North 47 degrees 17 minutes East 52-53/100 feet from the beginning of the north 27 degrees 45 minutes East 113-30/100 feet line of that parcel of land which by Deed dated June 23, 1936 and recorded among the Land Records of Baltimore County in liber C.W.B. Jr, no 986, folio 108 was conveyed by J. Allan Erdman and wife to the County Commissioners of Baltimore County, running thence binding on said road North 53 degrees 56 minutes East 54-97/100 feet, running thence for lines of division the three following courses and distances:

South 60 degrees 38 minutes East 143-17/100 feet, South 29 degrees 12 minutes West 50 feet and North 60 degrees 38 minutes West 166-17/100 feet to the place of beginning. The improvements thereon being known as No. 12611 Harewood Road.

BEGINNING FOR THE SECOND thereof on the County road leading from the Ebenezer Road (Sometimes called Mabel Avenue) at the distance of 61-07/100 feet, North 40 degrees 10 minutes East from the beginning of the North 27 degrees 45 minutes East 113-30/100 feet line of that parcel of land which by Deed dated June 23, 1936, and recorded among the Land Records of Baltimore County in liber C.W.B. Jr No, 986 folio 108 was conveyed by J. Allan Erdman and wife to The County Commissioners of Baltimore County, running thence on said Road North 47 degrees 17 minutes East 52-53/100 feet, running thence for lines of division the three following courses and distances:

South 60 degrees 38 minutes East 166-77/100 feet, South 29 degrees 12 minutes West 50 feet and North 60 degrees 38 minutes West 182-47/100 feet to the place of beginning.

BEGINNING FOR THE THIRD thereof on the County Road leading from the Ebenezer Road leading from the Ebenezer Road (sometimes called Mabel Avenue) to Harewood Park at the end of the three following courses and distances viz: North 40 degrees 10 minutes East 61-07/100 feet, North 47 degrees, 17 minutes East 52-53 /100 feet and North 53 degrees 56 minutes East 54-97/100 feet from the beginning of the North 27 degrees 45 minutes East 113-30/100 feet line of that parcel of land which by Deed dated June 23, 1936 and recorded among the Land Records of Baltimore County in Liber C.W.B. Jr No 986 folio 108, was conveyed by J. Allan Erdman and wife to County Commissioners of Baltimore County, running therice binding on said road by a line curving in an Easterly direction having a radius of 456-81/100 feet the distance of

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	ax Account # 1 5 1 3 5 5 0 9 4 0
Owner(s) Printed Name(s) Robert & Patrici	a Boccia (ANS OTHERS)
(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIAT	E 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 hereof, hereby petition for an:	and which is described in the plan/plat attached hereto and made a part
1. ADMINISTRATIVE VARIANCE from Section(s)	
BCZR: 400.3 \rightarrow To permit an existing accessory bui in height, in lieu of the maximum permitted height	lding (pole barn) to be raised from 14 feet to 19 feet of 15 feet.
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Owner(s)/Petitioner(s): Name #1 Type or Print Signature #1 Signature #1 Signature #1 Address City Zip Code Telephone #'s (Cell and Home) Tober 1	a Borcia Bercia Berc
Attorney for Owner(s)/Petitioner(s):	Representative to be Contacted:
Name - Type or Print	Name - Type or Print
Signature	Signature 563 Westwood Ave Long Branch INJ
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	me(s) here:	Robert E		4 9 1	Patre	ay Boa	119
the Affia	ant(s) herein,	personally known or s	satistactorily	identified to n	ne as sucn <i>F</i>	Aπiant(s).	la.
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BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024-0145 -A Address 12611 HAREWOOD ROAD
Contact Person: JASON SCINCIMAN Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 6 10 24 Posting Date: 6 23 24 Closing Date: 7/8/04
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.
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 - 0145 -A Address 12611 MAREWOOD ROAD
Telephone (Cell) LEE GIROUX
Petitioner's Name: BOCCIA Telephone (Cell) LEE GIROUX 609-334-6800
Petitioner's Name: BOCCIA Telephone (Cell) LEE GIROUX Positing Date: 7/8/24 Closing Date: 7/8/24
Wording for Sign: To Permit To permit an existing accessory building (pole barn) to be raised from
To permit an existing accessory building (pole build) to be a market height of
14 feet to 19 feet in height, in lieu of the maximum permitted height of
15 feet.
Revised 1/2022

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: 18611 HAREWOOD ROAD
Legal Owners (Petitioners): RUBERT+ PATRICIA BUCCIA
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: Company/Firm (if applicable): LEE GIROUX
Address: 563 WESTWOOD AVE
LONG BRANCH, NJ 07740
Telephone Number 609-334-6800

^{*}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, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: June 10, 2024

Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

Case 2024-0145-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.

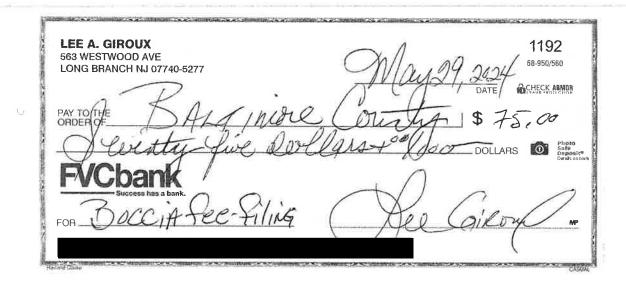
Landscaping: No comment.

Recreations & Parks: No comment – LOS & No Greenways affected.

VKD: sc

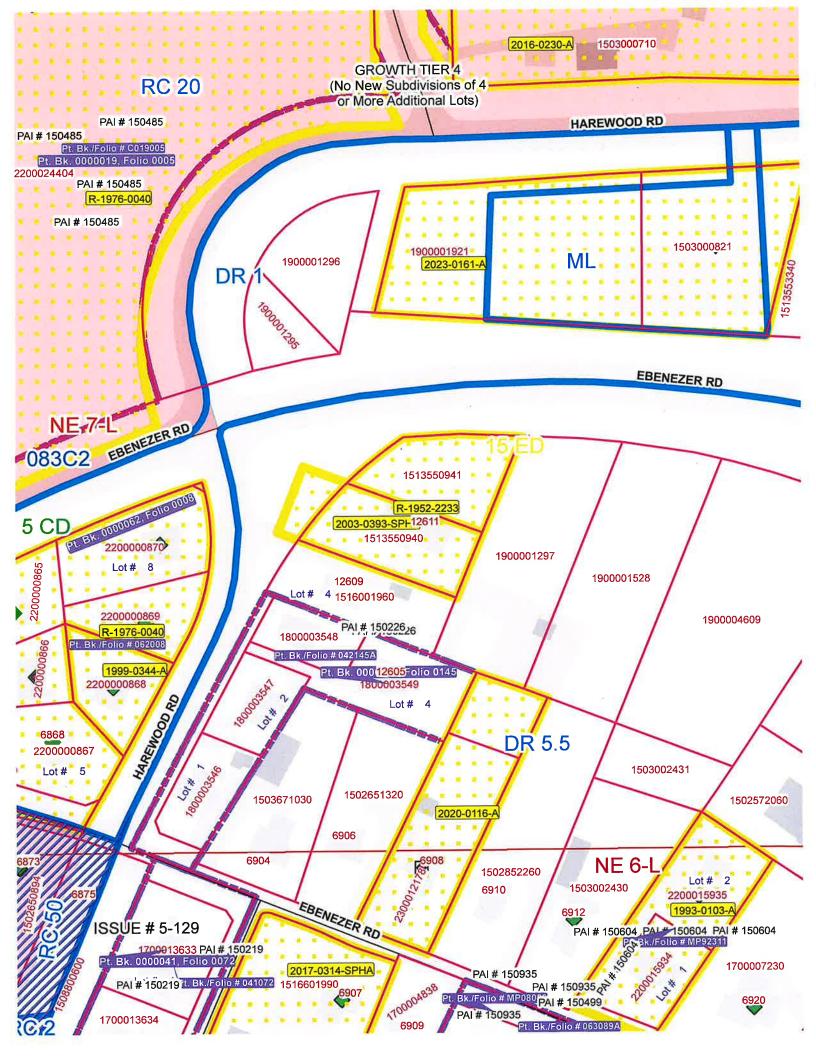
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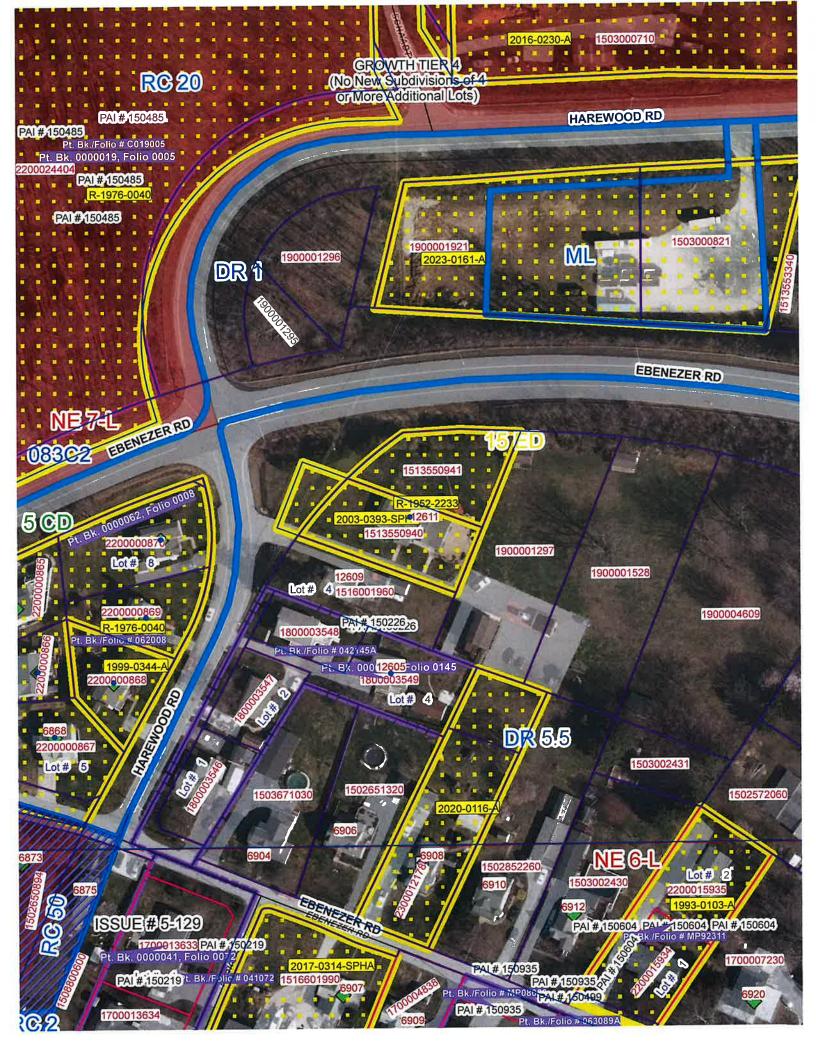
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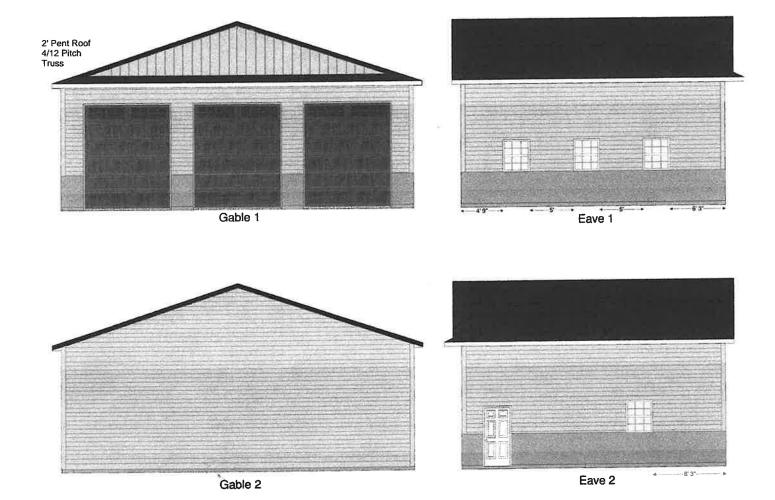
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Special Tax Recapture:								
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Owner Name: BOCCIA ROB					l Residence	RESIDENT	ΓIAL	
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	Loca	ation &	Structure I	nformat	tion			
Premises Address:		HAREWOO E RIVER 2		Legal De	escription:	12611 HAF JOHN A E	REWOOD RI	
Map: Grid: Parcel: Nei 0083 0012 0552 150	ghborhood: 20010.04	Subdivisi 0000	on: Section:	Block:	Lot: Asses 2024	sment Year:	Plat No: Plat Ref	
Town: None								
Primary Structure Built 1934	Above Grade 1,568 SF	Living Are	a Finished Ba	sement A	rea Prope 16,686		a County Us	
StoriesBasementType	Ext	eriorQualit	yFull/Half Bati	nGarage	Last Not	ice of Major	mprovemen	
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		Valu	e Informat	ion				
	Base V	/alue	Value	Ph	ase-in Ass	essments		
			As of		of /01/2023	As of 07/01/	2024	
Land:	88,100		01/01/2024 93,300	07.	10 1/2023	077017	2024	
Improvements	139,60		251,500					
Total:	227,70		344,800	22	7,700	266,73	33	
Preferential Land:	0		0					
		Trans	fer Informa	ation				
Seller: BOCCIA ROBER	ΓJR	Date	: 03/18/2024		F	Price: \$0		
Type: NON-ARMS LENG	TH OTHER	Deed	Deed1: /48870/ 00368		C	Deed2:		
Seller: GALLAGHER RO			Date: 09/14/2017		Price: \$175,000 Deed2:		00	
Type: ARMS LENGTH M			11: /39394/ 000	153		Deeaz: Price: \$174,0	00	
Seller: PIERCY DARLEN Type: ARMS LENGTH M			Date: 10/11/2002 Deed1: /16938/ 00426					
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Special Tax Recapture:	None							
	Home	estead A	Application	Inform	ation			
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Homeowners' Tax Cred				Date:				
HOHIEOMHELD TAX CLEG	r Application	otatua. NU	, ipplication	Date.				





12611 HAREWOOD Rd.

POLEBARN BÓX40X.

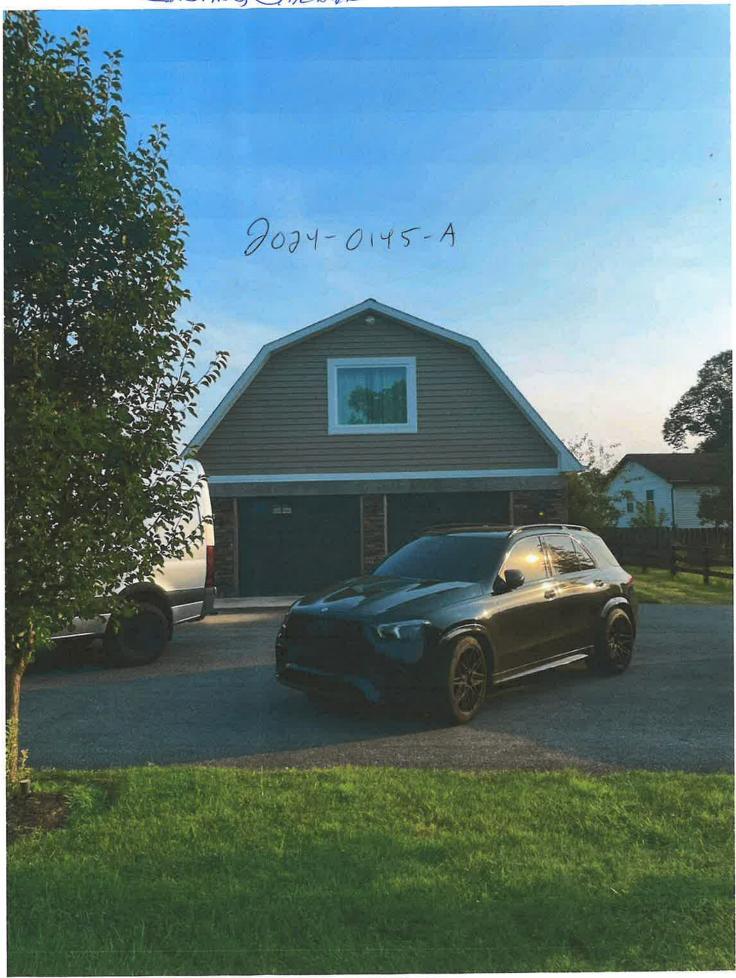


ZONING HEARING ADDRESS 126//	PLANFOR VARIANCE X HAREWOOD RO.	FOR SPECIAL HEA OWNER(S) NAME	RING IMARKTYPER BODEAT GETATR	EQUESTED WITH XI	STEVICINITY MAP	1
SUBDIVISION NAME PLAT BOOK #	FOLIO # 53 10 01G		BLOCK # 694 POEED REF. #41		HAREWOOD ROAD	
2024-0145-A CAUBARN PLAN PLAN BY	SURVEYOR SERVICE ALLEN SURVEYOR SERVICE ALLEN SURVEYOR SERVICE ALLEN SURVEYOR SERVICE ALLEN SERVICE ALLEN SURVEYOR SERVIC	TAX MAP 33 PARCE S 252 & 645	Sense Park Number Sense of the		MAP IS NOT TO SCALE ZONING MAP# 0083 SITE ZONED OR SOUNCIL DISTRICT S LOT AREA ACREAGE 162 OR SQUARE FEET HISTORIC? NO IN CBCA? NO UTILITIES? MARK WI WATER IS: PUBLIC X PRIVATE SEWER IS: PUBLIC PRIVATE SEWER IS: PUBLIC PRIVATE IF SO GIVE CASE NUMBE AND ORDER RESULT BEL BOB-0393 SPHA R 1962-2033	
					VIOLATION CASE INFO:	Jako Carpona de a distribución como pilar e de Sido compressión

12611 HAREWOOD Kan Side of Lone

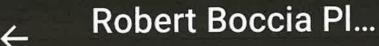


EXISTING GARAGE







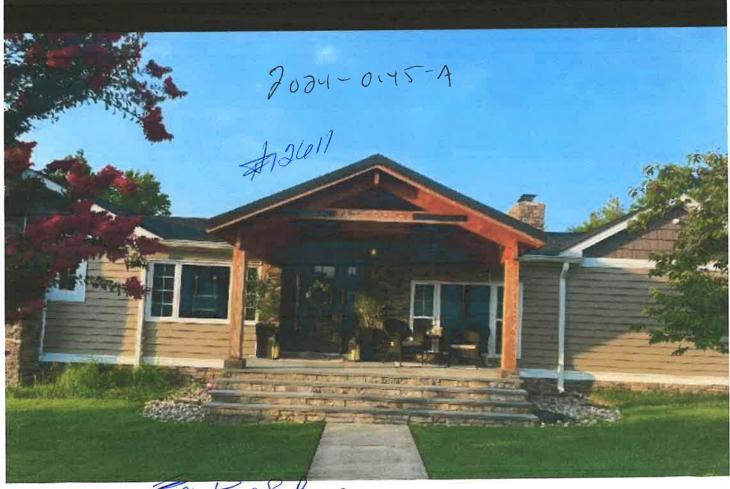


Aug 21, 6:29PM









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