



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 31, 2024

Odis and Tiffany Daniels – odis.daniels26@gmail.com
9407A Lencrest Road
Baltimore, MD 21133

RE: Petition for Administrative Variance
Case No. 2024-0166-A
Property: 9407A Lencrest Road

Dear Petitioners:

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 blue ink signature of Andrew M. Belt, written in a cursive style.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlw
Enclosure

c: R. Steven Bowers – mrdecksmd@hotmail.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(9407 A Lencrest Road)		
2 nd Election District	*	OFFICE OF ADMINISTRATIVE
4 th Council District		
Odis & Tiffany Daniels	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2024-0166-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, Odis and Tiffany Daniels (“Petitioners”), for the property located at 9407 A Lencrest Road, Dundalk (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), Sections 1B02.3.C.1 and 301.1, to permit a proposed deck with a rear setback of 4 ft. in lieu of the required 22.5 ft. setback.

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. (Petitioners’ Exhibit 2A & 2B). There were no adverse 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 July 6, 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”). 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. I find that 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.

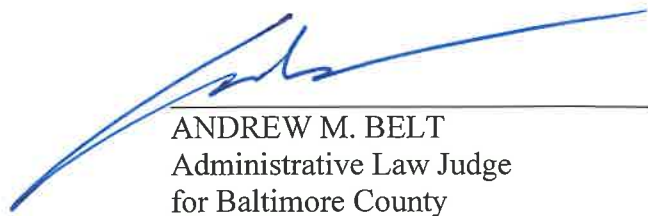
Pursuant to the posting of the Property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 31st day of **July, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR"), Sections 1B02.3.C.1 and 301.1, to permit a proposed deck with a rear setback of 4 ft. in lieu of the required 22.5 ft. setback, be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

- 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.

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 - 0166 -A Address 9407 A Lencrest Rd

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

Filing Date: 7/1/24 ^{Est.} Posting Date: 7/14/24 ^{Est.} Closing Date: 7/29/24

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 - 0166 -A Address 9407 A Lencrest Rd

Petitioner's Name: R. Steven Bowers Telephone (Cell) _____

^{Estimate} Posting Date: 7/14/24 Closing Date: 7/29/24

Wording for Sign: To Permit _____

Section 1B02.3.C.1 and 301.1 of the BCZR, to permit a proposed deck with a rear setback of 4' in lieu of the required 22.5' setback.

Revised 1/2022

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

You fill out and email to applicant

**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: 2024-0166-A
Property Address: 9407A LONCREST ROAD
Legal Owners (Petitioners): ODIS & TIFFANY DANIELS
Contract Purchaser/Lessee: —

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): STEVE BOWERS
Address: 3802 MEGHAN DRIVE
UNIT 2E
BALTIMORE MD 21236
Telephone Number: 410.227.9843

*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.

Revised 3/2022



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 9407A LENCREST ROAD BALT 21133 Currently Zoned OR3.5
Deed Reference 40194 / 00256 10 Digit Tax Account # 0203 671760
Owner(s) Printed Name(s) ODIS AND TIFFANY DANIELS

(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) 1B02.3.C.1 AND 301.1

Section 1B02.3.C.1 and 301.1 of the BCZR, to permit a proposed deck with a rear setback of 4' in lieu of the required 22.5' setback.

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):

ODIS DANIELS , TIFFANY DANIELS

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

9407A LENCREST ROAD BALT MD

Mailing Address

City

State

21133 , 443.842.1784 , ODIS.DANIELS26@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:

R. STEVEN BOWERS

Name - Type or Print

R. Steven Bowers

Signature

3802 MERRILL DRIVE BALT MD

Mailing Address

City

State

21236 , 410.227.9843 , MRBOWERS@HOTMAIL.COM

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 30TH day of MAY, 2024 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 2024-0166-A Filing Date 7 / 1 / 24 Estimated Posting Date 7 / 14 / 24 Reviewer TC

Closing: 7/29/24

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.

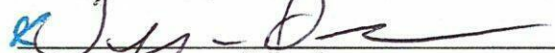
Address: 9407A LENCREST ROAD BALT MD 21133
Print or Type Address of Property City State Zip Code

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)

See attached.

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


Signature of Owner (Affiant)
ODIS DANIELS
Name - Print or Type


Signature of Owner (Affiant)
TIFFANY DANIELS
Name - Print or Type

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

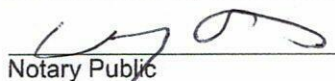
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30TH day of MAY, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: TIFFANY DANIELS, ODIS DANIELS

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

AS WITNESS my hand and Notaries Seal


Notary Public

06/14/2025
My Commission Expires

Darryle Anthony Edwards II
NOTARY PUBLIC
Baltimore County, Maryland
Comm. Expires June 14, 2025

2024-0166-A

I am writing to request an administrative variance for the construction of a deck on my property. Unfortunately, our property line is closer to the existing structure than the required setback measurements, which prevents us from having the outdoor living space we desperately need.

Hardship Explanation:

1. **Limited Backyard Space:** Our property is zoned DR 3.5, which requires a 22.5-foot rear setback for decks. The positioning of our house is 10 to 18 feet from the rear property line which leaves us with minimal backyard area. The lot of our home is narrow, front to back, and long, side to side, creating a difficulty building a deck as most of our property's usable lot is on the right side of the house. As a result, we have very little outdoor space to enjoy.
2. **Health Considerations:** My husband is currently undergoing cancer treatment, and having a deck would significantly improve our quality of life during this challenging time. It would provide a peaceful retreat where we can relax, spend time together, and find solace amidst the stress of medical appointments and treatments.

General Standards for Granting Administrative Variances: In accordance with the Zoning Ordinance, I believe the following conditions apply to our situation:

- **Physical Surroundings:** The narrowness and shape of our property make strict enforcement of the Ordinance impractical.
- **Unique Circumstances:** Our property's limitations are not applicable to other properties within the same zoning classification.
- **Purpose of the Variance:** Our request is not based solely on convenience or profit but rather on genuine need.
- **No Self-Created Difficulty:** The hardship was not created by us or our predecessors in title.
- **Public Welfare and Safety:** Granting the variance will not be detrimental to public welfare or neighboring properties.
- **Compliance with Comprehensive Plan:** The variance aligns with the spirit and intent of the Comprehensive Plan.

I kindly request your consideration of our situation and ask for your approval of the administrative variance. The deck would enhance our well-being and provide a much-needed outdoor space during this challenging period.

Thank you for your attention to this matter. If you require any additional information or would like to discuss this further, please feel free to contact me.



2024-0166-A

ZONING PROPERTY DESCRIPTION FOR: 9407 A LENCREST ROAD

Beginning at a point on the south side of Lencrest Road now laid out 50.00 wide and shown on the plat of Section 4, PIKESWOOD, recorded or intended to be recorded among the Land Records of Baltimore County, said place of beginning being located 260.10 feet measured Westerly along said South side of Lencrest Road from it's intersection with the West side of Tulsemere Road 60.00 feet wide as shown on said Plat thence leaving said place of beginning and the South side of said road and running for new lines of division through the property of which the lot now being described is a part the 8 following course and distances, viz: (1) South 19 degrees 5 minutes 30 seconds West 134.96 feet; (2) thence South 70 degrees 54 minutes 30 seconds East 72.50 feet; (3) thence South 30 degrees 54 minutes 07 seconds West 193.10 feet; (4) thence North 70 degrees 54 minutes 30 seconds West 46.18 feet; (5) North 10 degrees 10 minutes 30 seconds East 192.32 feet; (6) South 70 degrees 54 minutes 30 seconds East 28.22 feet; (7) North 19 degrees 05 minutes 30 seconds East 134.96 feet; (8) South 70 degrees 54 minutes 30 seconds East 15.00 feet to the place of beginning.

The improvements thereon being known as 9407 A Lencrest Road.

Being the fee simple property which by DEED dated Aprill 11, 2016, and recorded in the Land Records of the County of Baltimore, Maryland, in Liber 37408 , Folio 173, was granted and conveyed by SASR HOLDINGS, LLC unto KKPP, LLC.

2024 - 0166 - A

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: July 15, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0166-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.

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: July 19, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0166-A
Address: 9407A LENCREST ROAD
Legal Owner: Odis & Tiffany Daniels

Zoning Advisory Committee Meeting of July 19, 2024.

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

Reviewer: Earl D Wrenn

9407 A LENCREST ROAD



FRONT ENTRANCE



REAR YARD AREA FOR PROPOSED DECK

2024-0166-A

9407A LENCREST ROAD



REAR YARD



REAR YARD AND PROPOSED DECK AREA

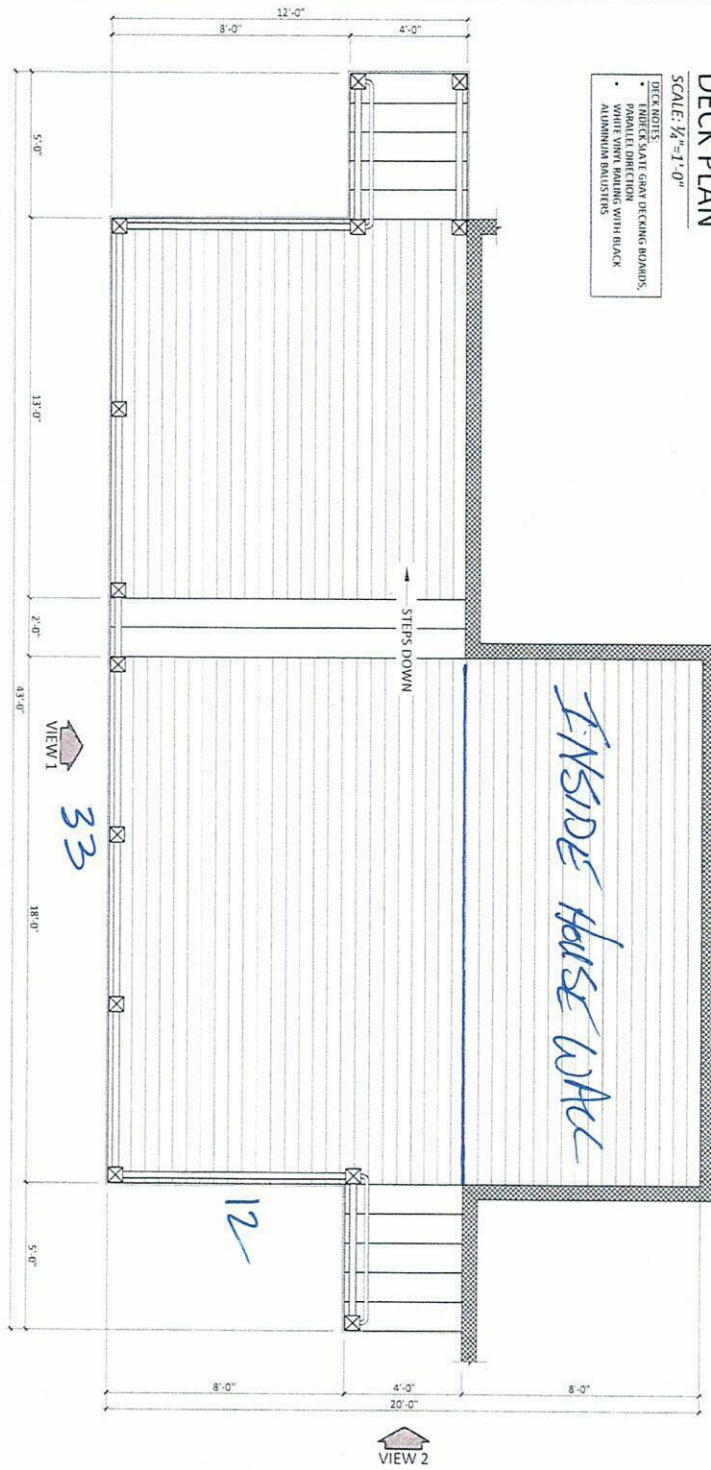
2024-0166-A



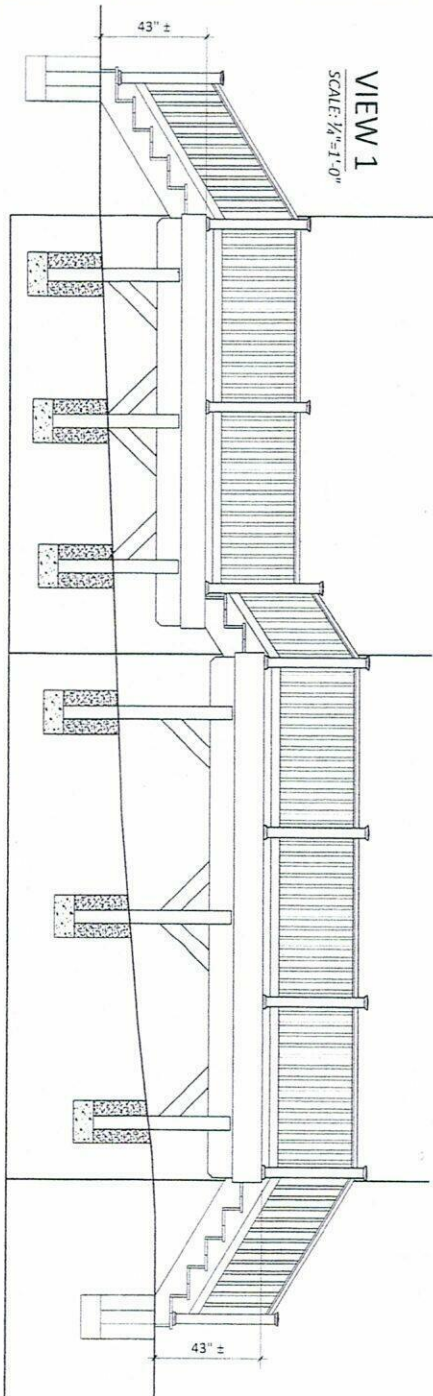
DECK PLAN

SCALE: 1/4"=1'-0"

- DECK NOTES:
- BRACKET SINK GAIN DECKING BOARDS,
 - BRACKET SINK GAIN DECKING BOARDS,
 - WHITE VINYL PAINTING WITH BLACK
 - ALUMINUM BALUSTERS



VIEW 1
SCALE: 1/4"=1'-0"



2024-0166-A

1 3	SALES ASSOCIATE: TOM COREY DRAW: CADIV SCALE: AS NOTED	CUSTOMER INFORMATION: ODIS & TIFFANY DANIELS 9407A LENCREST ROAD RANDALLSTOWN, MD 21133	DATE: 2 / 2 / 2024 JOB # 24GR	www.longfence.com 1910 BETSON COURT ODENTON, MD 21113 (301) 261-3444 (410) 793-0620	LONG FENCE
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Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 02 Account Number - 0203671760

Owner Information

Owner Name:	DANIELS ODIS DANIELS TIFFANY	Use:	EXEMPT
Mailing Address:	9407 A LENCREST RD RANDALLSTOWN MD 21133-0000	Principal Residence:	YES
		Deed Reference:	/40194/ 00256

Location & Structure Information

Premises Address:	9407A LENCREST RD RANDALLSTOWN 21133-0000	Legal Description:	.40 AC SSR 800 FT VETERANS EXEMPTION WINANS RD 4650 FT W MCDONOGH RD
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Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0067	0019	0543	2040058.04	0000				2022	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2009	3,122 SF		15,246 SF	01

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1 1/2	YES	STANDARD UNIT	SIDING/	4	5 full	1 Attached	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	71,300	71,300		
Improvements	288,100	332,600		
Total:	359,400	403,900	389,067	403,900
Preferential Land:	0	0		

Transfer Information

Seller: KKPP LLC	Date: 04/27/2018	Price: \$370,000
Type: ARMS LENGTH IMPROVED	Deed1: /40194/ 00256	Deed2:
Seller: SASR HOLDINGS LLC	Date: 04/19/2016	Price: \$185,000
Type: NON-ARMS LENGTH OTHER	Deed1: /37408/ 00173	Deed2:
Seller: JOHNSON DOROTHY M	Date: 10/07/2014	Price: \$190,000
Type: NON-ARMS LENGTH OTHER	Deed1: /35441/ 00342	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	020	389,067.00	403,900.00
State:	020	389,067.00	403,900.00
Municipal:	020	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

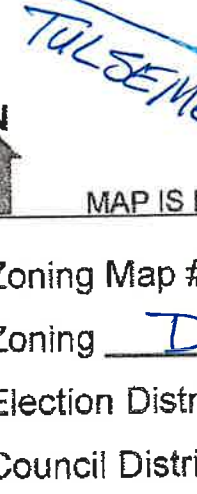
Homestead Application Status: Approved 02/28/2020

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

2024-0166-A

Site vicinity map



MAP IS NOT TO SCALE

Zoning Map # 0067

Zoning DR3.5

Election District 2

Council District 4

Lot Area Acreage .35

Lot Square Footage 15246

Historic (Yes or No) NO

CBCA (Yes or No) NO

Flood Plain (Yes or No) NO

Utilities – Mark with (X)

Water is:

Public X Private _____

Sewer is:

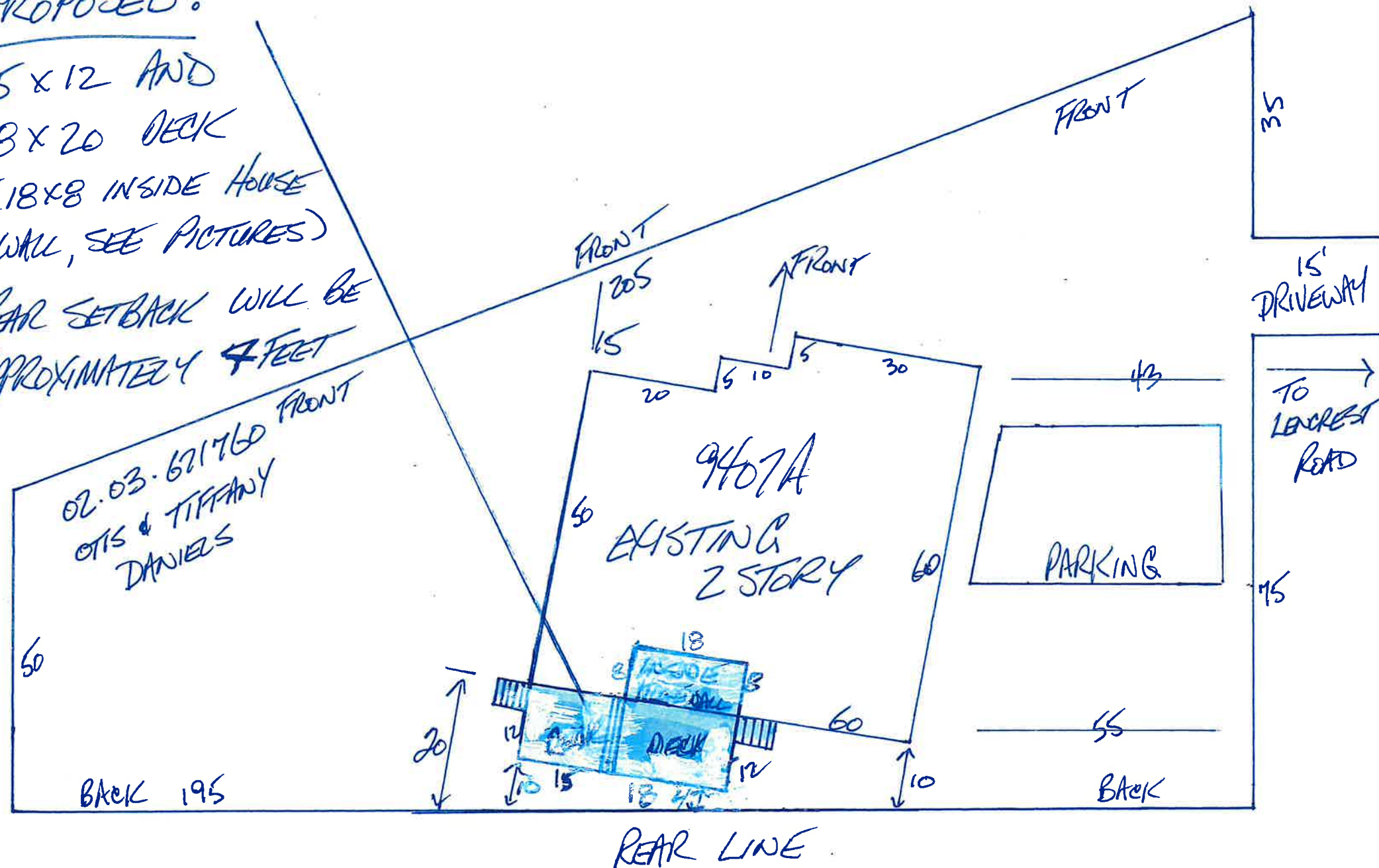
Public X Private _____

Prior Hearing (Yes or No) NO

If (Yes) list Case Number(s)
and order result(s) below:

Violation Case Number(s)

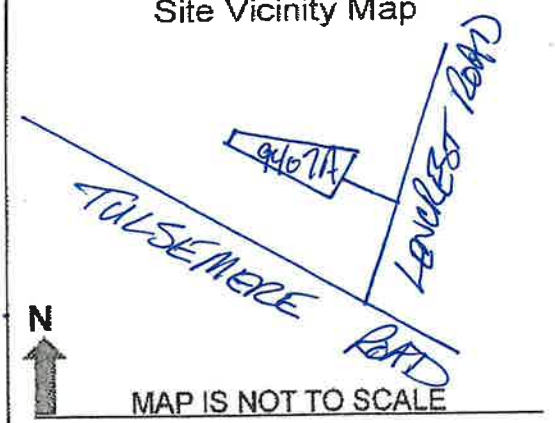
15 x 12 AND
18 x 20 DECK
(18 x 8 INSIDE HOUSE
WALL, SEE PICTURES)
REAR SETBACK WILL BE
APPROXIMATELY 4 FEET



Plan Drawn By STEVE BOWERS Date 07/01/2024 Scale: 1 inch = 20 Feet

Zoning Hearing Plan for Variance ✓ for Special Hearing _____ Mark Type Requested with (X)
Address 9407A LENCREST ROAD Owners(s) Name(s) OTIS & TIFFANY DANIELS
Subdivision Name _____ Lot # _____ Block # _____ Section # _____
Plat Book # _____ Folio # _____ 10 Digit Tax # 0203671260 Deed Reference# 40194100256

PROPOSED:
15x12 AND
18x20 DECK
(18x8 INSIDE HOUSE
WALL, SEE PICTURES)
REAR SETBACK WILL
BE APPROXIMATELY
5 FEET
SEE INCLUDED
CONSTRUCTION
DRAWING



Zoning Map # 0067
Zoning DR3.5
Election District 2
Council District 4
Lot Area Acreage .35
Lot Square Footage 15246
Historic (Yes or No) NO
CBCA (Yes or No) NO
Flood Plain (Yes or No) NO
Utilities – Mark with (X)
Water is:
Public X Private _____
Sewer is:
Public X Private _____
Prior Hearing (Yes or No) NO
If (Yes) list Case Number(s)
and order result(s) below:

Violation Case Number(s)

Plan Drawn By STEVE BOWERS Date 6/09/2024 Scale: 1 inch = 50 Feet