

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

Kerrie Campbell-Garrett & Jaki Garrett – jjgarrett121@gmail.com 3707 Kimberly Ann Court Randallstown, MD 21133

RE:

Petition for Administrative Variance

Case No. 2024-0167-A

Property: 3707 Kimberly Ann Court

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,

ANDREW M. BELT

Administrative Law Judge

for Baltimore County

AMB:dlw Enclosure IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE

(3707 Kimberly Ann Court)

2nd Election District * OFFICE OF ADMINISTRATIVE

4th Council District

Kerri Campbell-Garrett & Jaki Garrett * HEARINGS FOR

* BALTIMORE COUNTY

Petitioners * CASE NO. 2024-0167-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, Kerri Campbell-Garrett and Jaki Garrett ("Petitioners"), for the property located at 3707 Kimberly Ann Court, Randallstown (the "Property"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR"), Section 1A04.3.B.2.b, to approve an addition to an existing dwelling with a proposed left side setback of 10 ft. and a rear setback of 35 ft. in lieu of the minimum required 50 ft. setback, respectively.

The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1. Street view photographs of the Property were provided. (Pet. Exs. 2A-2H). A Zoning Advisory Committee ("ZAC") comment was received from the Department of Environmental Protection and sustainability ("DEPS"), dated July 19, 2024, indicating the following:

"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, and an OSDS inspection report locating all septic system components, and may also include submission of perc test application and/or conducting additional percolation testing and potentially installing a new septic system or upgrading the existing septic system."

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on July 14, 2024 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. The Petitioners propose to construct an addition to their existing dwelling to include a first-floor master bedroom due to a number of current and possible future health concerns for Ms. Kerrie Campbell-Garrett. This addition will allow Petitioners to stay in their forever home.

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 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 <u>31st</u> 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"), Section 1A04.3.B.2.b, to approve an addition to an existing dwelling with a proposed left side setback of 10 ft. and a rear setback of 35 ft. in lieu of the minimum required 50 ft. setback, respectively, be, and they are each 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 30day 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.
- Petitioners shall comply with the DPR ZAC comment, dated July 19, 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.

ANDREW M. BELT

Administrative Law Judge for Baltimore County

AMB:dlw

PS-1-(NA)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

JUL 3 0'2024
OFFICE OF
ADMINISTRATIVE HEARINGS

RECEIVED



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

2024-0167-A

Address:

3707 KIMBERLY ANN CT

Legal Owner: Kerri Campbell-Garrett, Jaki Garrett

Zoning Advisory Committee Meeting of July 19, 2024.

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

• 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, and an OSDS inspection report locating all septic system components, and may also include submission of perc test application and/or conducting additional percolation testing and potentially installing a new septic system or upgrading the existing septic system.

Reviewer: Rochelle V. Underwood

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 Baltimo	ore County for the property located at:
Address 3707 Kimberly Inn Ct 21133	Currently Zoned RC - 5
Deed Reference 42738 / 48/ 10 Digit Tax	Account # 2500003195
Owner(s) Printed Name(s) Kerrie Campbell-Coarrett	+ Jaki Garrett
(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 m	ust be completed and notarized.
The undersigned, who own and occupy the property situate in Baltimore County and hereof, hereby petition for an:	d which is described in the plan/plat attached hereto and made a part
1. ADMINISTRATIVE VARIANCE from Section(s)	
BCZR 1A04.3.B.2.b To approve an addition to an existing de	welling with a proposed left side setback of 10 ft and
a rear setback of 35 ft in lieu of the minimum required 50 ft	setback, respectively
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County	у.
 ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to S 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 County	у.
Zip Code Telephone #'s (Cell and Home) 5809 Withmall	earrett or Print
Claratura	Cignoture
Signature	Signature
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 Baltimor Case Number 2034-0167-A Filing Date 212120	that the subject matter of this petition be set for a public

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: 3707 Kimberly Ann Ct	Randallshow	n MD	21133
Print or Type Address of Property	City	State	Zip Code
Based upon personal knowledge, the following are	al difficulty or hardship	here)	^
Herrie has experienced multiple kne			
complete + total rupture. Herrie also	has a history of	health Con	cerns including
having a mild stroke. Herrie was	s admitted to the	hospital in	4023 as a
result of health complications that al			our home
does not have a first floor master.	A	V & .	
Place master built as this is are	9.50		6 9
4 God Broid any Wealth complication	ous occur replich	n makes th	re use of
Steps defrecelt or impossible a f	irst Hoor bedroom	1 15 recessor	ery to award allow
both of us to stay in our home. It	hat in light of th	be issues	ier coant to
be able to get this done before it is a	ibodutely needed.	That area	Har last
hospital stay the 1st thing to occupa	honal therepast a	sked is whel	ther we had steps
(If additional space for the petition request or the a	bove statement is need	ed, label and atta	ch it to this Form) that To
4		In of	Happ ag
Signature of Owner (Affiant)	Signature of O	wner (Affiant)	
Kerrie Campbell-Carret	+ Jaki	Caarret	<u> </u>
Name - Print or Type	Name - Print or	r Type	
			of Mandand
The following information is to be com	pleted by a Notary Pu	iblic of the State	e or maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE,	to wit:	7	
and for the County aforesaid, personally appeared:	ril , 202	before me	a Notary of Maryland, in
Print name(s) here: KARW T. Thomas	Rwell	- 17.	
the Affiant(s) herein, personally known or satisfactorily	identified to me as such	Affiant(s).	
AS WITNESS my hand and Notaries Seal			
Notary Public			
6/24/2027			
My Commission Expires			

PART A

ZONING PROPERTY DESCRIPTION FOR

3707 KIMBERLY ANN COURT, RANDALLSTOWN, MD 21133

*Beginning at a point on the eastside of Kimberly Ann Court which is 40 feet wide at the distance of 794 feet southeast of the centerline of the nearest improved intersecting street, Marriottsville Road, which is 15 feet wide.

BEING KNOWN AND DESIGNATED as Lot No. 8 as shown on the plats entitled "Final Subdivision Plat – Plats 1 and 2 – STRAUSS PROPERTY" which plats are recorded among the Land Records of Baltimore County, Maryland in Plat Book SM 78, pages 277 and 278.

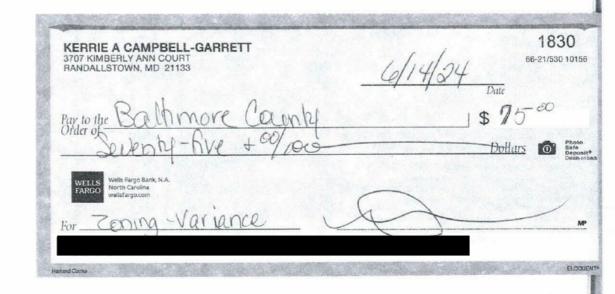
THE IMPROVEMENTS thereon being known as No. 3707 Kimberly Ann Court, Randallstown, MD 21133.

BEING one of the lots of ground which by Deed dated March 7, 2019 and recorded among the Land Records of Baltimore County, Maryland in Liber JLE No. 41266 folio 100, which was granted and conveyed by TSC/Marriottsville, LLC, a Maryland limited liability company unto Forte Equity MR, LLC a Maryland limited



	Site Vicinity Map
Zoning Hearing Plan for Variance X for Special Hearing Mark Type Requested with (X)	4
Owners(s) Name(s) Kerrie Campbell GARRETT Jaki Garre	
Lot# Block # N/A Section # N/A	2
Output/Sign Name 1 V M 1	The state of the s
rial book #	MARION
, o' 32 . 00.	N MAP IS NOT TO SCALE
\$ 5. 50 · N. A.	HII IIIII
Nas.	Zoning Map # 076B1
1 67.98 N 25. 20' CHO! R ANN C	Zoning RC5
E RINN C	Floation District 2
Lot 9	Council District 4 th
Lot 9 138. 138.	Lot Area Acreage 1.1100 A C
A Real Property of the Park of	Lot Square Footage 87,100
Resident (2) 24, 78.	Historic (Yes or No) No
Residence 18 44. 78.	All All All All
M. T.	CBCA (Yes or No) 1/6
	Flood Plain (Yes or No) No
\$ 30,7 \\ 22.8\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	Utilities – Mark with (X)
	Water is:
S WINDSON MIN	Public Private _X
50.	Sewer is:
7/17	Public Private X
	Prior Hearing (Yes or No) No
Tisi- Go. So. Tisi- So. Ti	If (Yes) list Case Number(s)
14/2/V	and order result(s) below:
530.01.00.11 W 320 W 220 W 200 00 00 Lot 7	
00"W 30"	
NEW 614	
NEW SIte	
Tot 1.0p.	Violation Case Number(s)
Plan Drawn By Jaki Grar rett Date 6/27/24 Scale: 1 inch = 50 Feet	
Plan Drawn By Jack Of ar 1917 Date 4727 Scale. Tillich = 33 1666	

OFFIC	E OF BU	DGET AN	MARYLAN ID FINANC H RECEIPT	E		No.	231	387	
				Rev Source/	Sub Rev/	Date:	7-2-	24	-
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount	
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	-								
Rec						Total:		7500	_
From:	3	707	Kimber	ly An	a CT				
				(5)	100			6	
For:		124-0	167 -1	4					
							[8]	D	
DISTRIBL	JTION							RC5	CASHIER'S VALIDATION
	CASHIER	PINK - AG	ENCY	YELLOW -	CUSTOME	R	GOLD - ACC	COUNTING	0-
		PLEA	ASE PRES			9.50			CF 24.0579



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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024 - 0167 -A Address 3707 Kimberly Ann CT	
Contact Person: Chr-57.ng Finnk Phone Number: 410-887-33	391
Filing Date: 7-2-2024 Posting Date: 7-14-2024 Closing Date: 7-29-202	4
Any contact made with this office regarding the status of the administrative variance should be through contact person (planner) using the case number.	the
1. POSTING/COST : The petitioner must use one of the sign posters on the approved list and petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of sign posters on the approved list and the petitioner is again responsible for all associated costs. zoning notice sign must be visible on the property on or before the posting date noted above should remain there through the closing date.	the The
2. <u>DEADLINE:</u> The closing date is the deadline for a neighbor (occupant or owner) within 1,000 fee file a formal request for a public hearing. Please understand that even if there is no formal request 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 jumps: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set for a public hearing. If all County/State agencies' comments are received, you will receive writh notification as to whether the petition has been granted, denied, or will proceed to a public hear This decision is usually made within 10 days of the closing date. The written order will be mailed you by First Class mail.	et in iten ing.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether to a neighbor's formal request or by order of the Administrative Law Judge), notification will forwarded to you. The sign on the property must be changed giving notice of the hearing date, t and location. As when the sign was originally posted, certification of this change and a photograp the altered sign must be forwarded to this office.	be ime
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 -0167 -A Address 3707 Kinberty Ann CT	
Petitioner's Name: Kerz: Garrett Jax: Garrett Telephone (Cell) 40-588-9092	
Posting Date: 7-14-2024 Closing Date: 7-29-2024	
Wording for Sign: To Permit an addition to an existing dwelling with a proposed left side setback of 10 ft and a re	ar setba
of 35 ft in lieu of the minimum required 50 ft setback, respectively	n esse

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: July 15, 2024

Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

Case 2024-0167-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 # 2024-0167-A

Address: 3707 KIMBERLY ANN CT

Legal Owner: Kerri Campbell-Garrett, Jaki Garrett

Zoning Advisory Committee Meeting of July 19, 2024.

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

• 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, and an OSDS inspection report locating all septic system components, and may also include submission of perc test application and/or conducting additional percolation testing and potentially installing a new septic system or upgrading the existing septic system.

Reviewer: Rochelle V. Underwood

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 7/14/2024

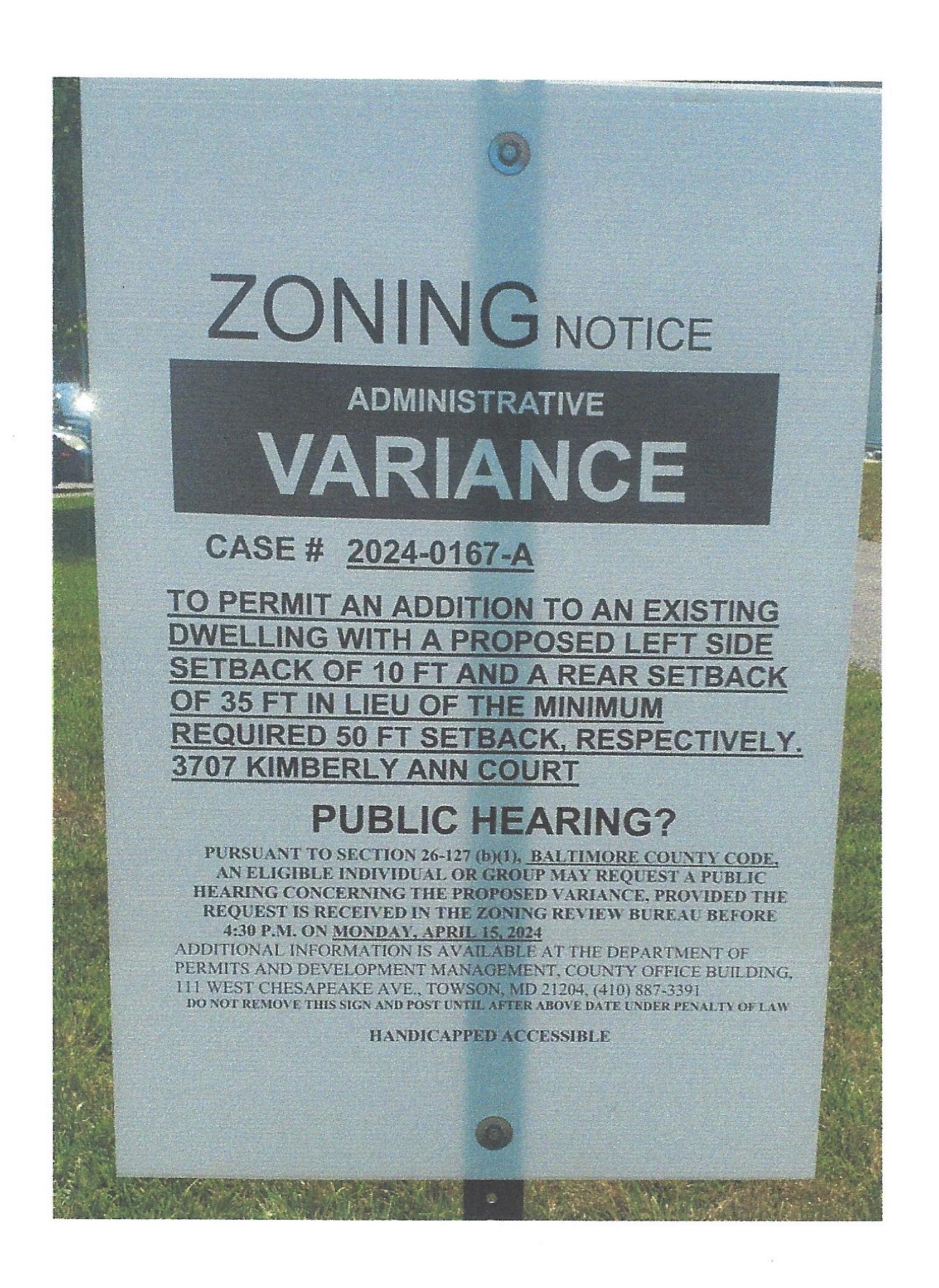
Case Number: 2024-0167-A

Petitioner / Developer: KERRI GARRETT & JAKI GARRETT

Date of Closing: JULY 29, 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: 3707 KIMBERLY ANN COURT

The sign(s) were posted on: JULY 14, 2024



Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

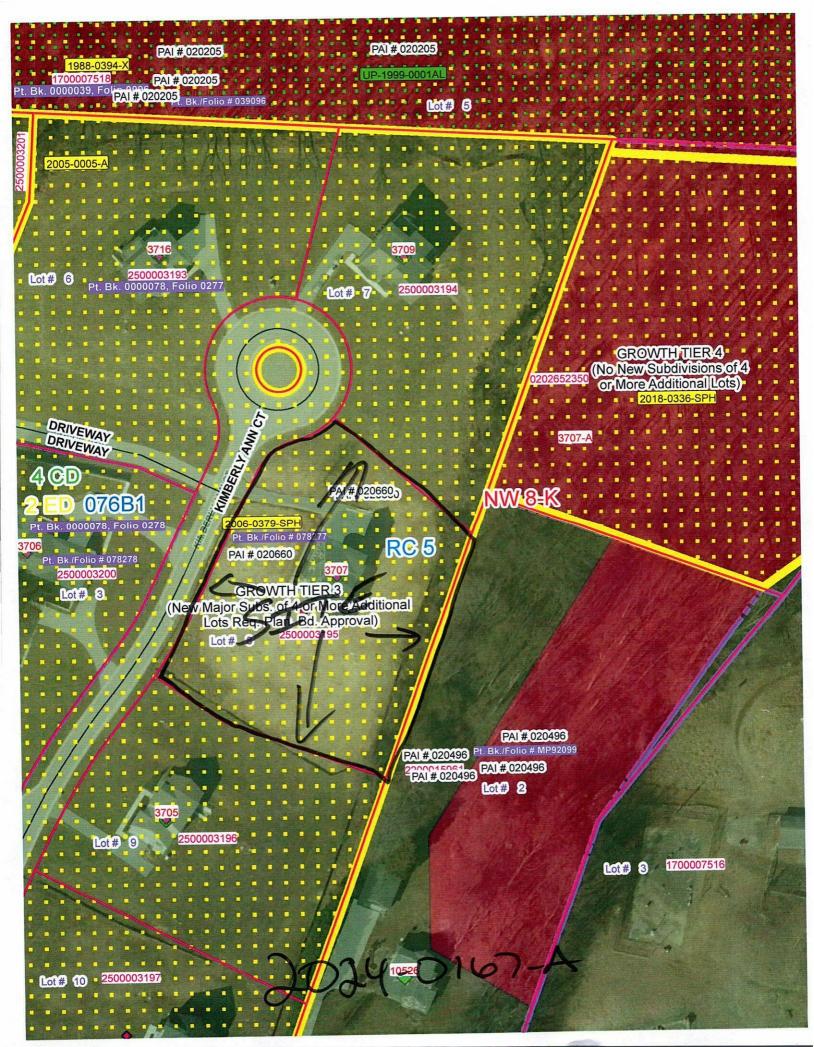
(Street Address of Sign Poster)

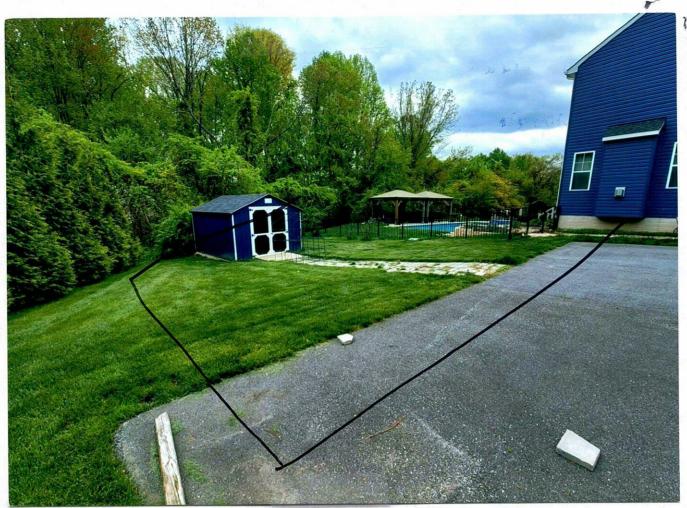
Hunt Valley, MD 21030

(City, State, Zip of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)







2024-0167-A





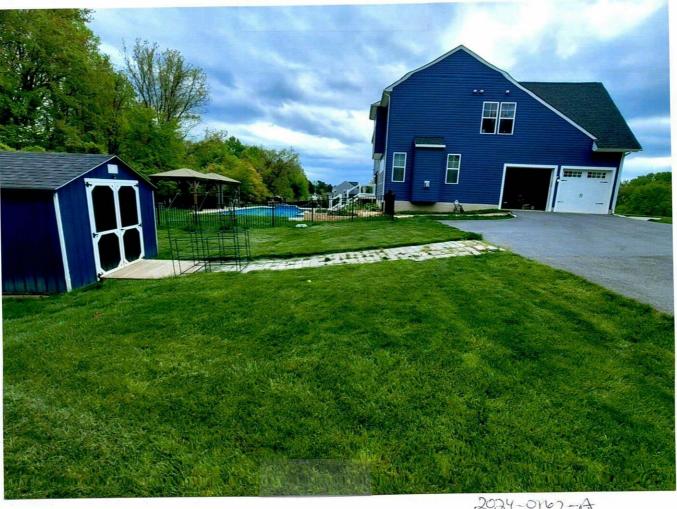
2024-0167-A





2024-0167-A









2024-0167-A





2024-0167-A



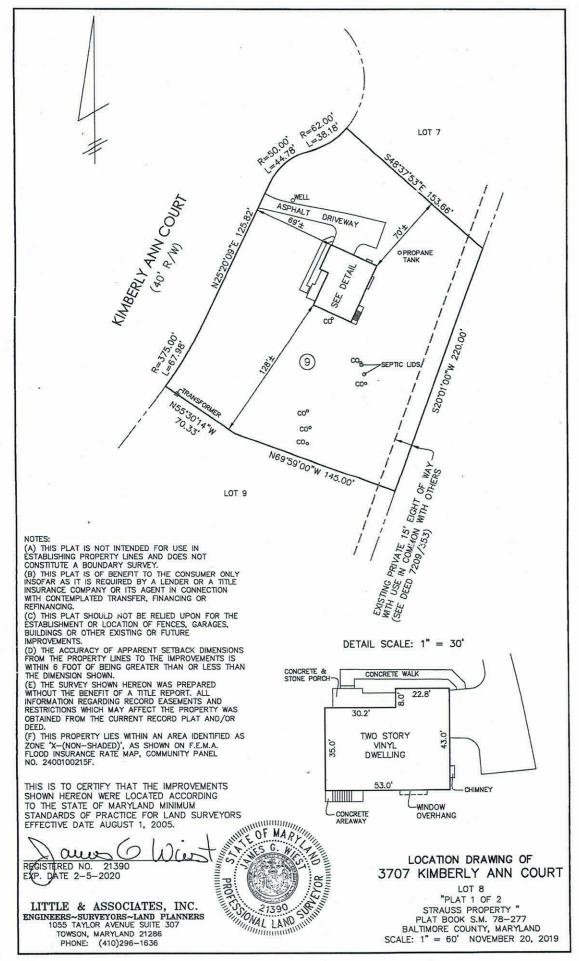


2024-0167-A





2024-0167-A



Real Property Data Search () Search Result for BALTIMORE COUNTY

View Map	View GroundRent Reden	nption	View GroundRent Registration			
Special Tax Recapture:						
Account Identifier:	District - 02 Account	tumber - 2500003	195			
	Own	er Information	1			
Owner Name:	CAMPBELL GARRETT GARREET JAKI		ANAUse: RESIDENTIAL Principal Residence:YES			
Mailing Address:	3707 KIMBERLY ANN RANDALLSTOWN MD		eed Reference:	/42738/ 00481		
	Location &	Structure nfo	rmation			
Premises Address:	3707 KIMBERLY ANN RANDALLSTOWN 211	The state of the s	egal Description:	1.113 AC 3707 KIMBERLY ANN CT I STRAUSS PROPERTY		
Map: Grid: Parcel: Neig 0076 0003 0363 2050	hborhood: Subdivision: 076.04 0000	Section: Block: L		Year: Plat No: 1 Plat Ref: 0078/0277		
Town: None						
Primary Structure Built 2019	Above Grade Living Area 3,650 SF	Finished Basen 1200 SF	nent Area Prope	erty Land Area County Us		
Stories Basement Type	Exterior Qualit	y Full/Half Bath G	arage Last Not	ice of Major Improvements		
2 YES STAN	DARD UNIT FRAME/5	3 full 1	Attached	a. 178		
	Valu	e Information	1			
	Base Value	Value	Phase-in Ass	ssessments		
		As of 01/01/2022	As of 07/01/2023	As of 07/01/2024		
Land:	87,100	87,100				
Improvements	520,800	518,400				
Total:	607,900	605,500	605,500	605,500		
Preferential Land:	0	0				
	Trans	sfer Information	on			
Seller: FORT EQUITY MR LLC Type: ARMS LENGTH IMPROVED		Date: 04/24/2020 Deed1: /42738/ 00481		Price: \$622,000 Deed2:		
Seller: TSC/MARRIOTTS Type: ARMS LENGTH M		Date: 03/28/2019 Deed1: /41266/ 00100		Price: \$500,000 Deed2:		
		Date: 06/30/2011 Deed1: /30977/ 00372		Price: \$850,000 Deed2:		
	Exemp	tion Informat	ion			
Partial Exempt Assessm			7/01/2023	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 A	Application In	formation			
Homestead Application	Status: Approved 06/24/202	20				
	Homeowners' Tax (Credit Applica	tion Informat	ion		
Homeowners' Tay Credi	t Application Status: No Ap	8.8	ate:			
	Application diatus. NO Ap	piloation D				