



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 14, 2024

Barry Williams – barry.williams@yahoo.com
10923 Powers Avenue
Cockeysville, MD 21030

RE: Petition for Administrative Variance
Case No. 2024-0176-A
Property: 10923 Powers Avenue

Dear Mr. Williams:

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

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(10923 Powers Avenue)		
8 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Barry Williams	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioner	*	CASE NO. 2024-0176-A
* * * * *		

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, Barry Williams (“Petitioner”) for the property located at 10923 Powers Avenue, Cockeysville (the “Property”). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), Section 1B02.3.B (Sections 205.2 and 303.1, vested R.20, March 30,1955 Regs.), to permit a 37.5 ft. setback in lieu of 40 ft. (record plat) and 60 ft. (front average) and a 62.5 ft. street centerline setback in lieu of 65 ft. for a building addition. 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-2C).

A Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability (“DEPS”), dated August 5, 2024, indicating the following:

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

The Petitioner having filed a Petition for Administrative Variance and the Property having been posted on July 27, 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 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 Petitioner.

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 14th 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 1B02.3.B (Sections 205.2 and 303.1, vested R.20, March 30, 1955 Regs.), to permit a 37.5 ft. setback in lieu of 40 ft. (record plat) and 60 ft. (front average) and a 62.5 ft. street centerline setback in lieu of 65 ft. for a building addition, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- Petitioner must comply with the DEPS ZAC comment, dated August 5, 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

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: August 5, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0176-A
Address: 10923 POWERS AVE
Legal Owner: Barry Williams

Zoning Advisory Committee Meeting of August 5, 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, and an OSDS inspection report locating all septic system components, and will also include submission of perc test application, conducting additional percolation testing and potentially installing a new septic system or upgrading the existing septic system.

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



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 10923 POWERS AVE Currently Zoned RESIDENTIAL DR2
Deed Reference 25547 / 00740 10 Digit Tax Account # 0820068030
Owner(s) Printed Name(s) BARRY WILLIAMS

(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) 1302.3.B. (205.2 and 303.1, vested R. 20, March 30, 1955 Rezone) to permit a 37.5-foot front setback in lieu of 40 feet (rework plat) and 60 feet (front average), and a 62.5-foot street centerline setback in lieu of 65 feet for a building addition 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):

Name #1 - Type or Print BARRY WILLIAMS Name #2 - Type or Print _____
Signature #1 Barry Williams Signature #2 _____
Mailing Address 10923 POWERS AVE City COCKEYSVILLE State MD
Zip Code 21030 Telephone #'s (Cell and Home) 443 628 8021 Email Address BARRY.WILLIAMS@YAHOO.COM

Attorney for Owner(s)/Petitioner(s):

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Representative to be Contacted:

Name - Type or Print Above
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for

Baltimore County, this _____ day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

Case Number 2024-0176-A Filing Date 7/15/24 Estimated Posting Date 7/28/24 Reviewer MLK

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: 10923 POWERS AVE COCKEYSVILLE MD 21030
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)

WE'VE PLANNED A 24'x24' ADDITION TO THE FRONT OF THE HOUSE TO ENLARGE AN EXISTING BEDROOM INTO A MASTER SUITE AS WE CANNOT ADD TO THE BACK DUE TO PROXIMITY TO SEPTIC. WE'LL BE 2-3' INTO SETBACK WITH THE EXISTING PLAN. MAKING IT SMALLER WILL DIMINISH THE INTENDED QUALITY OF SPACE AS WELL AS CREATE FINANCIAL HANDSHAP HAVING TO START THE PLANNING / DESIGN PROJECTS AGAIN.

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

Barry
Signature of Owner (Affiant)

Signature of Owner (Affiant)

Barry Williams
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 21th day of June, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Barry Williams

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

AS WITNESS my hand and Notaries Seal

Jeanie Pearl Rose
Notary Public

05-25-2026
My Commission Expires

JEANIE PEARL ROSE
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES MAY 25, 2026

Zoning Hearing Plan for Variance X for Special Hearing _____ Mark Type Requested with (X)
Address 10923 POWERS AVE Owners(s) Name(s) BARRY WILLIAMS
Subdivision Name SHERWOOD HILLS Lot # 3 Block # A Section # 1
Plat Book # 26 Folio # 4 10 Digit Tax # 0820068030 Deed Reference# 25547100740

See Sheet 2 of 2
For Plan Detail



Plan Drawn By BARRY WILLIAMS Date 6/27/24 Scale: 1 inch = 40 Feet

Site Vicinity Map



Zoning Map # 042C3

Zoning DR2

Election District 8

Council District 3

Lot Area Acreage .46

Lot Square Footage 20000

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:

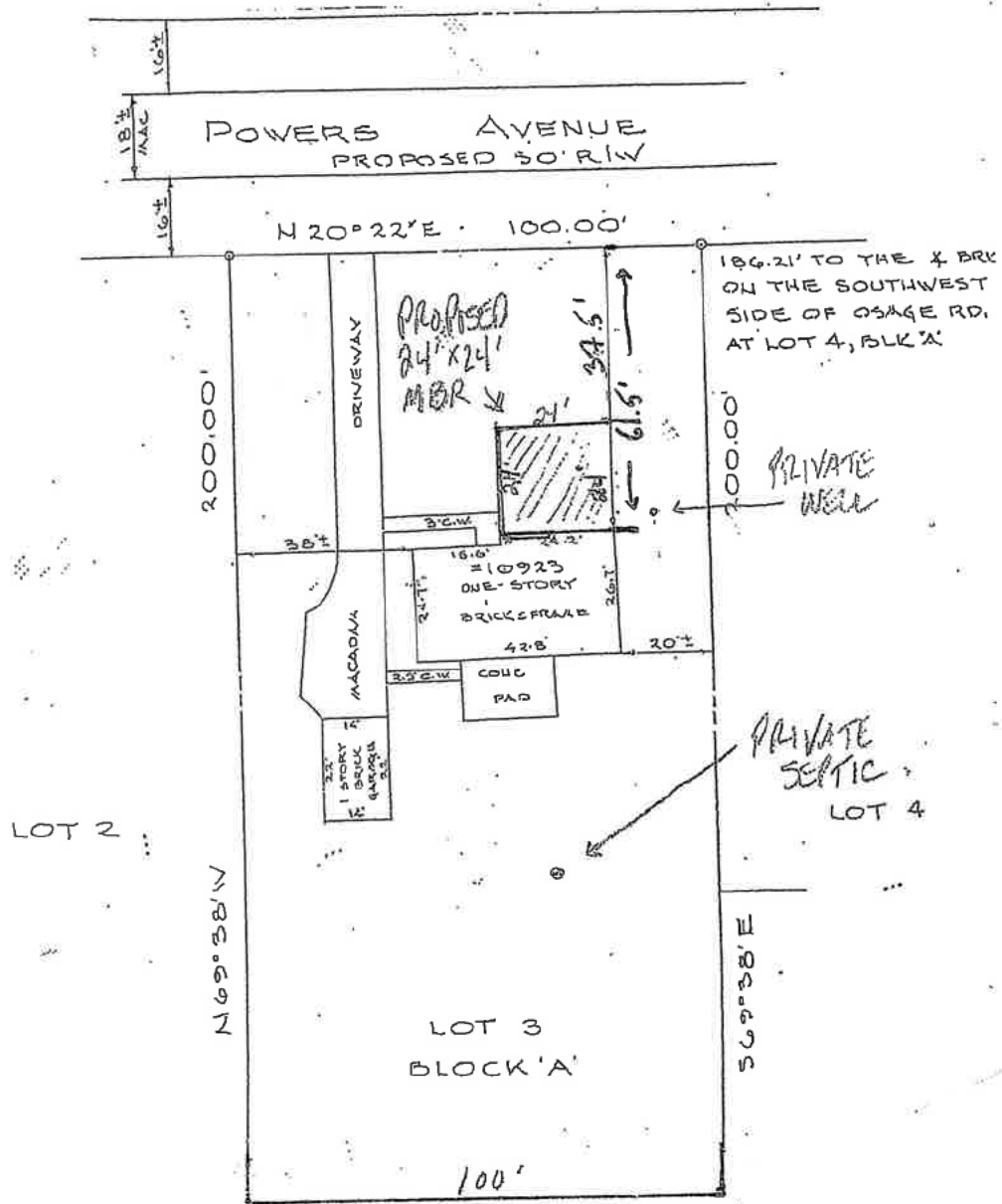
N/A

Violation Case Number(s)

N/A

2024-0176-A

Sheet 1 of 2



N →

PLAN BY: BARRY WILLIAMS 6/27/24

1" = 40'

Sheet 2 of 2

THE ZONING PETITION PROPERTY DESCRIPTION

PART A

ZONING PROPERTY DESCRIPTION FOR 10923 POWERS AVE, 21030

BEGINNING AT A POINT ON THE EAST SIDE OF POWERS AVE WHICH IS 50' WIDE AT THE DISTANCE OF 296' SW OF THE CENTERLINE OF OSAGE RD WHICH IS 48' WIDE

PART B

BEING LOT #3, BLOCK A, SECTION #1 IN THE SUBDIVISION OF SHERWOOD HILLS AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #26, FOLIO #4, CONTAINING 20,000 SQUARE FEET. LOCATED IN THE EIGHTH ELECTION DISTRICT.

2024-0176-A

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024 - 0176 - A Address: 10923 Powers Avenue

Contact Person: M. John Williams Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/15/2024 Posting Date: 7/28/2024 Closing Date: 8/12/2024

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 - 0176 - A Address: 10923 Powers Avenue

Petitioner's Name: Barry Williams Telephone (Cell): 443-528-8021

Posting Date: 7/28/2024 Closing Date: 8/12/2024

Wording for Sign: To Permit to permit a 37.5-foot front setback
in lieu of 40-foot (record plat) and 60 feet (front average),
and a 62.5-foot street centerline setback in lieu of
65 feet for a building addition.

Revised 1/2022

No. 231898
Date: 6/27/24

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 75.00
Total:								\$ 75.00

Rec
From: WILLIAMS

For: VARIANCE

10923 POWERS AVE

JSS

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

BARRY WILLIAMS
10923 POWERS AVE
COCKEYSVILLE, MD 21030

7-11 6489 No. 166

6/22/04

SECURED BY EZSAFELOCK

Pay to the order of Baltimore County

\$ 75 -

Twenty five and 00/100

M&T Bank

DURABLE

MP

VANNUCK

Bank

2024-0176-A

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 08 Account Number - 0820068030

Owner Information

Owner Name: WILLIAMS BARRY

Use: RESIDENTIAL

Mailing Address: 10923 POWERS AVE
COCKEYSVILLE MD 21030-2625

Principal Residence: YES

Deed Reference: /25547/ 00740

Location & Structure Information

Premises Address: 10923 POWERS AVE
COCKEYSVILLE 21030-2625

Legal Description: SHERWOOD HILLS

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

0042 0016 0361 8030054.04 0000 1 A 3 2023 Plat Ref: 0026/ 0004

Town: None

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

1964 1,123 SF 20,000 SF 04

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements

1 YES STANDARD UNITBRICK/ 4 1 full 1 Detached

Value Information

Base Value Value Phase-in Assessments

As of As of As of

01/01/2023 07/01/2023 07/01/2024

Land: 82,500 82,500

Improvements 136,500 185,400

Total: 219,000 267,900 235,300 251,600

Preferential Land: 0 0

Transfer Information

Seller: WILLIAMS ALICE E

Date: 04/26/2007

Price: \$0

Type: NON-ARMS LENGTH OTHER

Deed1: /25547/ 00740

Deed2:

Seller: TROULAND G J E,JR

Date: 03/03/1976

Price: \$50,000

Type: ARMS LENGTH IMPROVED

Deed1: /05612/ 00340

Deed2:

Seller:

Date:

Price:

Type:

Deed1:

Deed2:

Exemption Information

Partial Exempt Assessments: Class

County: 000

State: 000

Municipal: 000

07/01/2023 0.00 0.00 0.00|0.00

07/01/2024 0.00|0.00

Special Tax Recapture: None

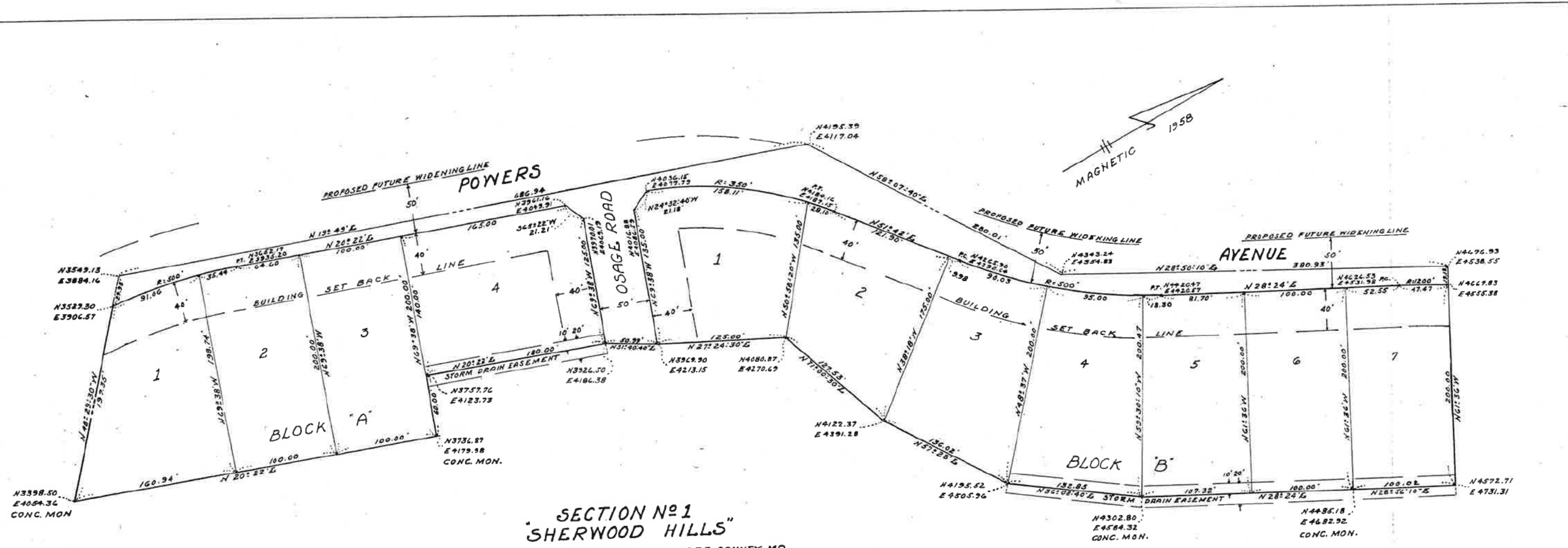
Homestead Application Information

Homestead Application Status: Approved 12/07/2020

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0176-A



**SECTION No. 1
'SHERWOOD HILLS'**
8TH ELECTION DISTRICT OF BALTIMORE COUNTY, MD.
SUBDIVIDED BY LAWRENCE ROBERTS
WARREN ROAD - COCKEYSVILLE, MD.

W.J.R. 26 FOLIO 4

MD for Recorded
DEC 18 1958 at
same day recorded in liber
W.J.R. No. folio
One of the Records of
Baltimore County and ex-
amined, per

Walter H. Rasmussen
Clerk

THE STREETS AND/OR ROADS AS SHOWN HEREON
AND THE MENTION THEREOF IN DEEDS ARE FOR THE
PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE
NOT INTENDED TO BE DEDICATED TO PUBLIC USE;
THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY
RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS
PLAT IS ATTACHED, THEIRS HEIRS AND ASSIGNS.

OWNERS CERTIFICATE

I HEREBY CERTIFY THAT THE REQUIREMENTS
SET FORTH IN SECTIONS 72A, 72B, 72C, ADDED TO ARTICLE
17 OF THE ANNOTATED CODE OF MARYLAND (1947
SUPPLEMENT) AS FAR AS THEY CONCERN THE MAKING
OF THIS PLAT HAVE BEEN COMPLIED WITH.

Lawrence Roberts
OWNER OF THE LAND SHOWN HEREON.

APPROVED: BALTIMORE COUNTY HEALTH DEPT.

William H. Williams, M.D. 12-15-58
DEPUTY STATE & COUNTY HEALTH OFFICER DATE

APPROVED: BALTIMORE COUNTY PLANNING BOARD

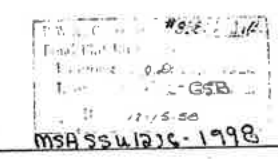
James S. Hays Dec 15, 1958
DIRECTOR DATE

APPROVED: AS TO ALIGNMENT & LOCATION OF STREETS

Robert G. Hays Dec. 18, 1958
ROADS ENGINEER DATE



William M. Maynardier



WILLIAM M. MAYNARDIER
COUNTY SURVEYOR
CIVIL ENGINEER & LAND SURVEYOR
DUNCAN BLDG. TOWSON 4, MD.
SCALE 1"=50' OCTOBER 20TH 1958

2024-0176-A

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: August 5, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0176-A
Address: 10923 POWERS AVE
Legal Owner: Barry Williams

Zoning Advisory Committee Meeting of August 5, 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, and an OSDS inspection report locating all septic system components, and will also include submission of perc test application, conducting additional percolation testing and potentially installing a new septic system or upgrading the existing septic system.

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: July 30, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0176-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.

CERTIFICATION OF POSTING

RE: Case No. 2024-0176- A

Petitioner: Barry Williams

Closing Date: 8/12/24

Baltimore County Department of
Permits, Approvals and Inspections
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign
was posted conspicuously on the property located at _____
10923 Powers Avenue – Front of property (1 of 2)
10923 Powers Avenue – Close up of sign wording (2 of 2)
on 7/27/24

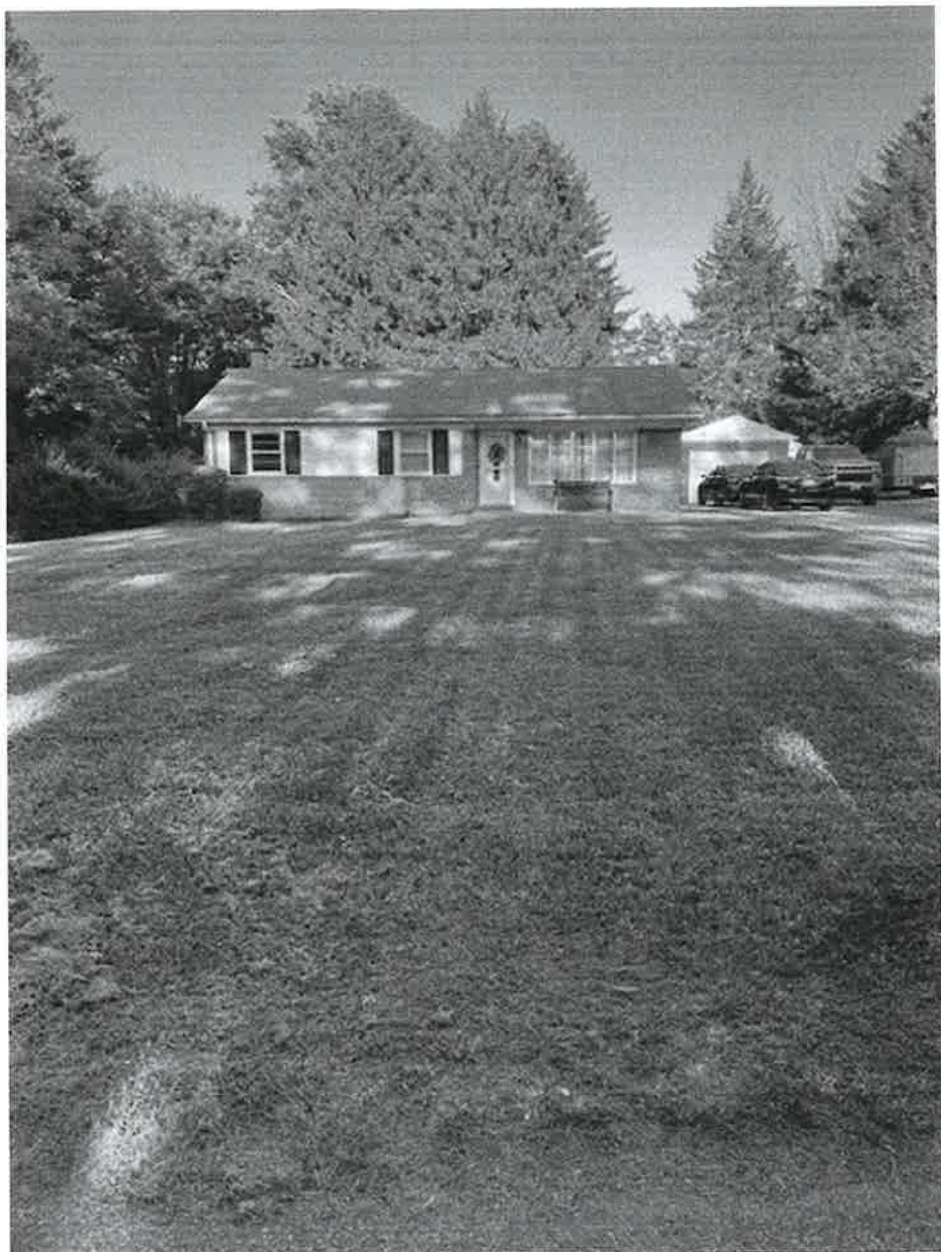
Sincerely,

Richard E. Hoffman (signed) 7/27/24

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360



FRONT

2024-0176-A



SE CORNER

2024-0176-A



NW CORNER

2024-0176-A

