



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

September 11, 2024

George Metzger – geoatgoo@gmail.com
Brittany Metzger- brittanyschmidt765@gamil.com
7620 Spruce Road
Dundalk, MD 21222

RE: Petition for Variance
Case No. 2024-0177-A
Property: 7620 Spruce 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 handwritten signature in black ink, appearing to be "D. Baumgardner", written over a horizontal line.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJM:dlm

Enclosure

C: Code Enforcement - paenforce@baltimorecountymd.gov

IN RE: PETITION FOR VARIANCE

(7620 Spruce Road)

12th Election District

7th Council District

George Metzger

Legal Owner

Brittany Metzger

Contract Purchaser

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BEFORE THE

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OFFICE OF ADMINISTRATIVE

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HEARINGS OF

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BALTIMORE COUNTY

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CASE NO. 2024-0177-A

Petitioners

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by George Metzger, owner, and Brittany Metzger, tenant, (“Petitioners”) for the property located at 7620 Spruce Road, Dundalk, Baltimore County, Maryland (the “Property”). Petitioners are requesting a variance from Baltimore County Zoning Regulations (“BCZR”) § 301.1.A, to approve a deck in the rear yard with a side setback of 3.9 ft. in lieu of the required 7.5 ft. side setback.

A public hearing was conducted on September 9, 2024 using the virtual platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioners appeared *pro se* at the hearing. George Metzger, Brittany Metzger, and Jason Metzger appeared and gave testimony in support of the Petition. There were no Protestants or other interested persons who participated in the hearing.

Petitioners relied upon the following file documents previously submitted to PAI and admitted into this record: (1) Code Enforcement Citation; (2) OAH Final Order; (3) Site Plan; (4) SDAT printout; (5) Photographs. The following Zoning Advisory Committee (“ZAC”) comments were received from county agencies and admitted into the record: (1) Department of Planning (DOP); (2) Department of Environmental Protection & Sustainability (DEPS); and (3) Department of Plans Review (DPR).

Findings of Fact

The property is approximately 6,250 sq. ft. in land area and is zoned DR 5.5. The lot is improved with a single-family detached dwelling with 1,004 sq. ft. of above ground living area, a rear deck, and detached accessory structure (garage). *See* File Exhibit 4; *See also* File Exhibit 3. This property was the subject of a Code Complaint, Case number CB2300264, which was heard by OAH on June 11, 2024, resulting in a finding that the deck extension was constructed without a permit. A permit was subsequently applied for but was denied as a variance was required for its construction. Petitioner filed the subject Petition to obtain the variance necessary to cure the code violation and make the deck lawful.

The existing deck provides a side setback of 3.9 ft. in lieu of the required 7.5 ft. side setback. The surrounding single-family residential community is characterized by 1.5-story homes with driveways and narrow side yards. *See* File Exhibit 5. Ms. Metzger testified the purpose of the extended deck was to accommodate her family. Mr. Metzger testified to the deck extension's construction and the ability to continue to maintain the deck given the reduced side yard. Mr. Metzger also stated that the deck could not be extended into the opposite side yard because that would block access to the cellar door. Mr. Metzger further testified that he spoke with the adjacent neighboring property owner and they did not object to the deck's placement. The adjacent property owners did not appear to testify and did not submit documentation supporting the proposed variance.

Conclusions of Law

Petitioners are requesting relief from Baltimore County Zoning Regulations ("BCZR") § 301.1.A, to approve a deck in the rear yard with a side setback of 3.9 ft. in lieu of the required 7.5 ft. side setback. Pursuant to BCZR § 307.1, "...the [Administrative Law Judge] shall have ...the

power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the BCZR would result in practical difficulty or unreasonable hardship...Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare..." A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

I find that the Property is unique because the single-family home is constructed such access to the cellar door on the north side of the property limits where the permitted by right deck may be extended. This condition creates a hardship for Petitioners by limiting improvements to the southern side of the existing by-right deck. For these reasons, I find that special circumstances or conditions exist that are peculiar to this property and strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty. I find that there is no credible evidence in this record to indicate that the proposed side yard setback variance would have any adverse impacts on the health, safety, or general welfare of adjacent property owners or others in the community. For these reasons, I also find that the requested variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare.

THEREFORE, IT IS ORDERED, this 11th day of **September 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, § 301.1.A, to approve a deck in the rear yard with a side setback of 3.9 ft. in lieu of the required 7.5 ft. side setback, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition; and
2. The deck shall be maintained to assure it remains in good condition and does not pose a safety hazard to occupants of the home.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB/dlm



PETITION FOR ZONING HEARING(S)

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 7620 Spruce Rd Dundalk, MD 21222 Currently Zoned _____
Deed Reference _____ / _____ 10 Digit Tax Account # 12-16-001590
Owner(s) Printed Name(s) George Metzger (Residents of: Brittany Metzger, Jason Metzger)

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

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. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a **Variance** from Section(s)

BCZR 301.1.A to approve a deck in the rear yard with a side setback of 3.9 feet in lieu of the required 7.5 foot side setback

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

for our deck extension to be permitted for the safety of our growing family. The neighbors on the side of extension have no issues with dwelling.

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.

Legal Owner(s) Affirmation: I/we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Brittany Metzger

Name - Type or Print _____

Signature _____

7620 Spruce RD Dundalk Md

Mailing Address _____ City _____ State _____
21222 / 443-503-9890 brittanyschmidt765@

Zip Code _____ Telephone # _____ Email Address gmail.com

Attorney for Petitioner:

Name - Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

George Metzger

Name #1 - Type or Print _____ Name #2 - Type or Print _____

Signature #1 _____ Signature #2 _____

7620 Spruce Rd Dundalk Md

Mailing Address _____ City _____ State _____
21222 / 443-528-8926 / geoatgoo@gmail.com

Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

Brittany Metzger

Name - Type or Print _____

Signature _____

7620 Spruce RD Dundalk, Md 21222

Mailing Address _____ City _____ State _____
/ 443-503-9890 brittanyschmidt765@gmail

Zip Code _____ Telephone # _____ Email Address COM

Case Number 2024-0177-A Filing Date 7 / 15 / 2024 Do Not Schedule Dates _____ Reviewer TC

THE ZONING PETITION PROPERTY DESCRIPTION Three (3) typed copies (separate pages) of the zoning description of the property is required. Standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, are too wordy but some of the information must be used. (Note: Old deed information such as perches or a stone, etc. cannot be used as is.) Read your deed, your location survey and your State Assessment record to determine which of the three options you should use. DO NOT PHOTOCOPY THE DESCRIPTION IN THE DEED. The zoning property description must comply with Part A and Part B:

PART A (START DESCRIPTION WITH THE FOLLOWING): ZONING PROPERTY DESCRIPTION
FOR _____ (address or location)

*Beginning at a point on the (east) side of (Spruce Road) which is (23 feet) wide at the distance of (257 feet) (south) of the centerline of the nearest improved intersecting street (North point Rd) which is (32 feet) wide.

PART B (CONTINUE DESCRIPTION WITH ONE OF THE FOLLOWING 3 OPTIONS): OPTION 1:

OPTION 2: (Subdivision Lot – lot is part of record plat): Being Lot # (160), Block (X), Section # (X) in the subdivision of (Northshire) as recorded in Baltimore County Plat Book # (0014), Folio # (0029), containing (6,250 square feet). Located in the (12th) Election District and (7th) Councilman district.

2024-0177-A

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: 2024-0177-A
Property Address: 7620 SPRUCE RD
Legal Owners (Petitioners): George Metzger
Contract Purchaser/Lessee: _____

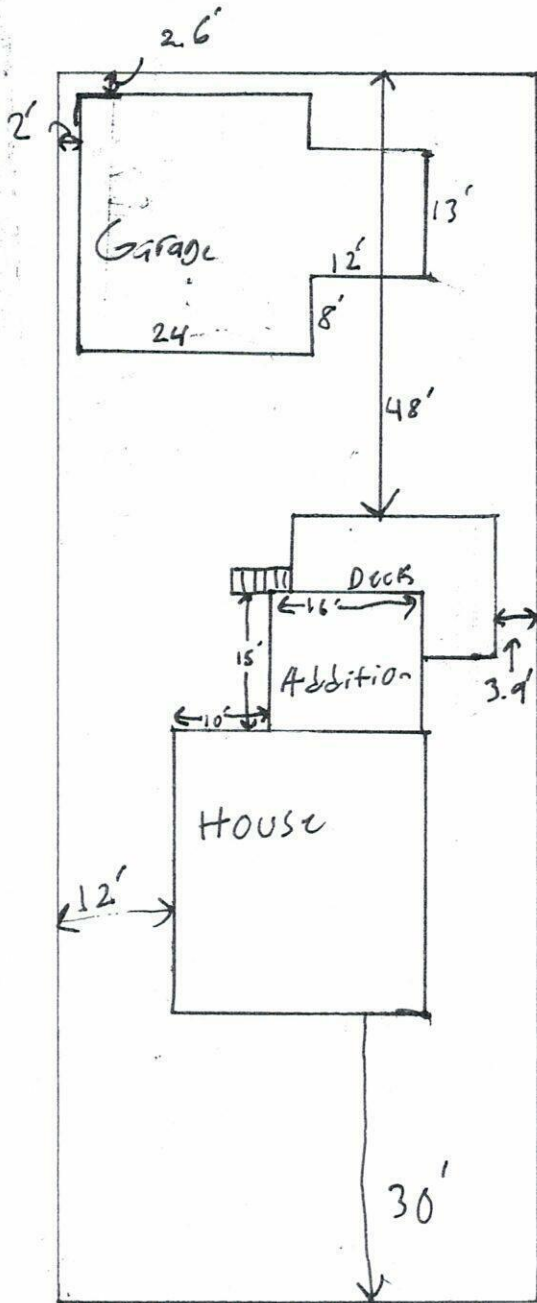
PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): George Metzger / Brittany Metzger
Address: _____

Telephone Number: 443-503-9890

*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.

7620 SPRUCE RD



1' = 30'

2024-0177-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 # 2024-0177-A
Address: 7620 SPRUCE ROAD
Legal Owner: George Metzger

Zoning Advisory Committee Meeting of August 5, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn

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 2024-0177-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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 8/7/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0177-A

INFORMATION:

Property Address: 7620 Spruce Road
Petitioner: George Metzger
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

Variance –

1. From Baltimore County Zoning Regulations (BCZR) Section 301.1.A to approve a deck in the rear yard with a side setback of 3.9' in lieu of the required 10'.

The subject site is an approximately 6,250 square foot parcel in the Dundalk area. It is improved with a single-family detached dwelling; deck, which is the subject of this Variance request; and garage. Based on the site plan submitted with the petition, the deck is located in the side and rear yards of the property and is located off of an existing addition. The deck has a 48' rear yard setback and a 3.5' side yard setback.

The site was the subject of Code Complaint Case Number CB2300264, which was submitted on May 12th, 2023 for the construction of a deck and pool without a permit. Based on Baltimore County Citizen Access, a Correction Notice was issued on May 18th, 2023, and then the violation was placed on a Monitor status with Code Enforcement. Building Permit R23-09108 was applied for by the occupant of the subject site in December 2023. On December 29th, 2023, Zoning Review rejected the permit with a note that the required side yard setback is 10' and that the deck would need a Variance prior to permit issuance. The permit application was returned to the applicant on January 2nd, 2024, and has had no additional movement as of the date of these comments. On April 17th, 2024, a Citation was issued stating "Rear deck extension requires a permit. Permit R23-09108 has been started but not issued.", and the violation was scheduled for a Hearing before the Administrative Law Judge for June 11th, 2024. A June 28th, 2024 Final Order by the Administrative Law Judge ordered the property be brought into compliance by July 11th, 2024 or face a \$1,000 fine.

The subject site is within the boundary of the Greater Dundalk-Edgemere Community Conservation Plan, adopted February 22, 2000. The plan provides recommendations related to economic development, education, the environment, housing, human services, physical development, and public safety within the plan area boundary. Although the plan does not comment on the construction of new decks within the

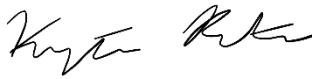
plan area boundary, it does provide recommendations to strengthen Code Enforcement, educate residents about Zoning Regulations, and promote citizen compliance with the Baltimore County Code and Zoning Regulations (pages 37-38).

Although the side yard setback is minimal, the setback still allows the Petitioner to maintain the deck without trespassing onto their neighbor's yard. Because of this, the Department of Planning has no objections to the requested relief, subject to the following condition:

1. The active Code Complaint shall be resolved and a Building Permit shall be obtained for the work.

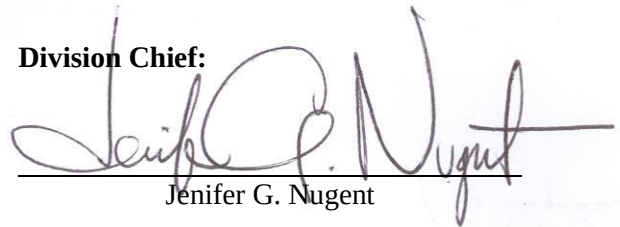
For further information concerning the matters stated herein, please contact Shawn Frankton at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Brittany Metzger, Representative
Maria Mougridis, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

2024-0177-A

RE: Case No.: _____

Petitioner/Developer: _____

**Brittany Metzger
George Metzger**

September 9, 2024

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Jeff Perlow:

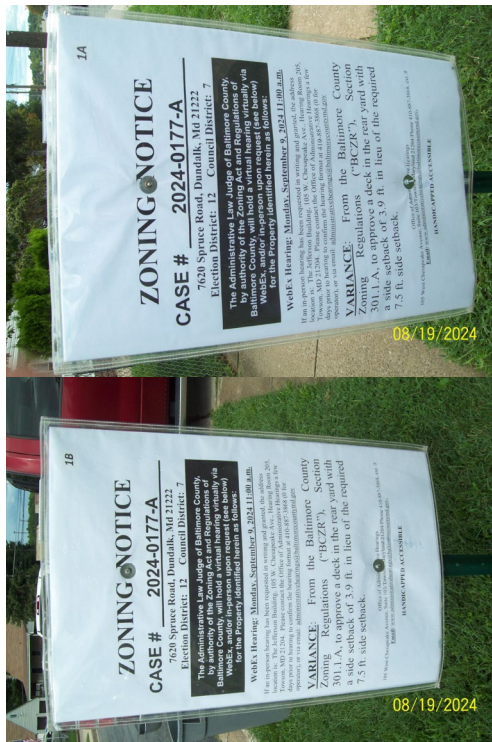
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

7620 Spruce Road *SIGN 1A & 1B*

August 19, 2024

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

August 19, 2024

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

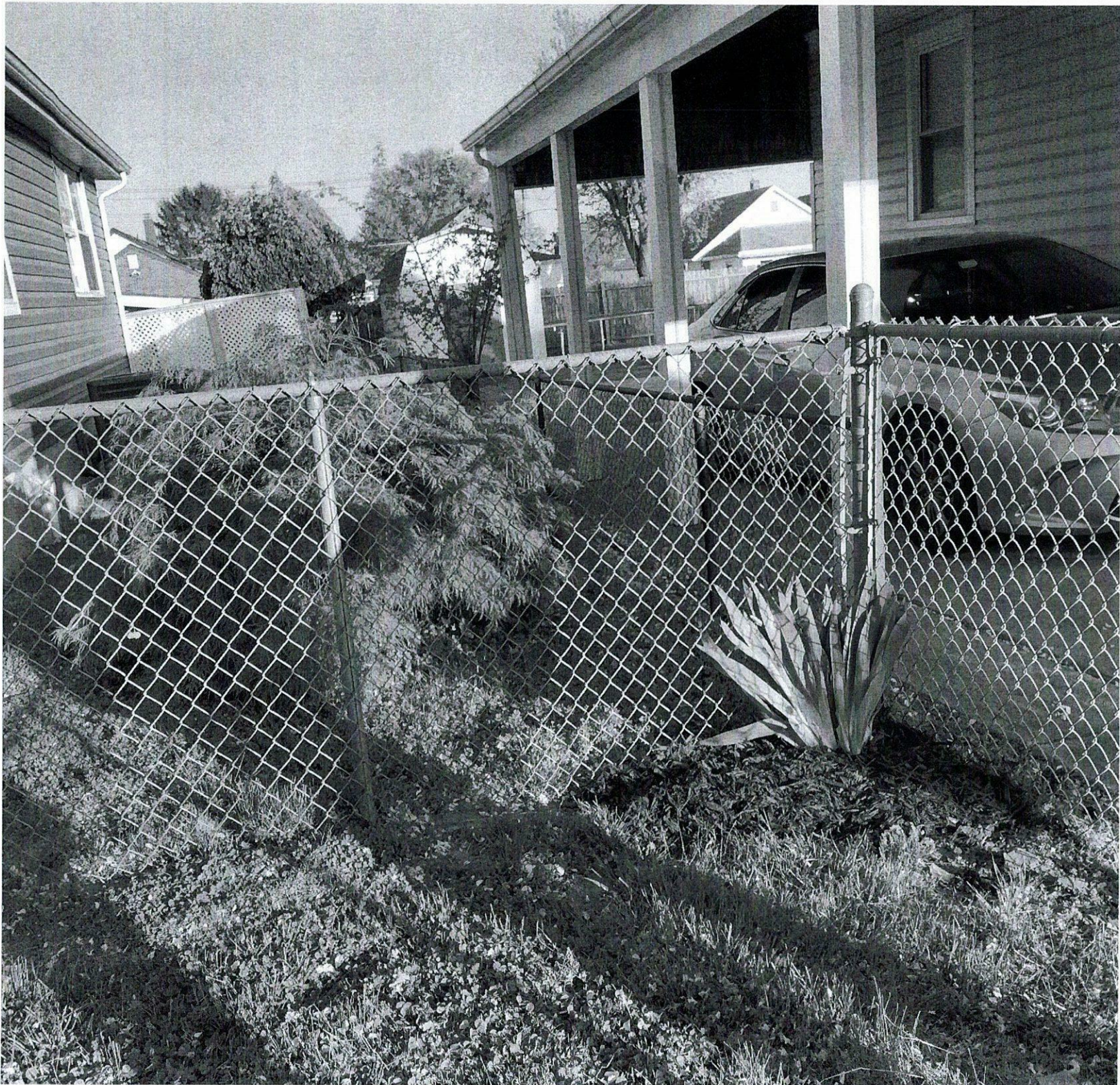
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

2024-6177-A



2024-0127-A



2024-01-27-4

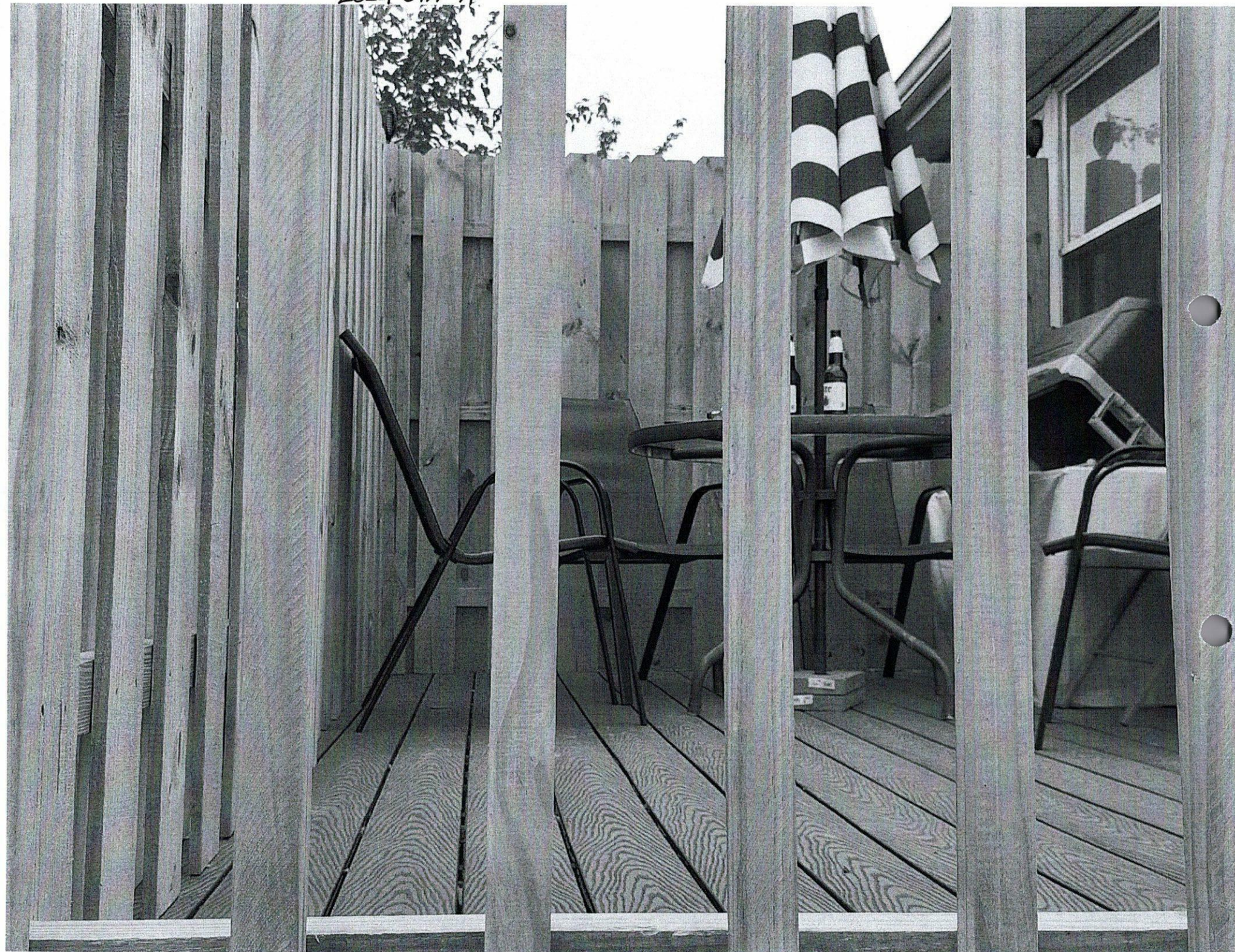




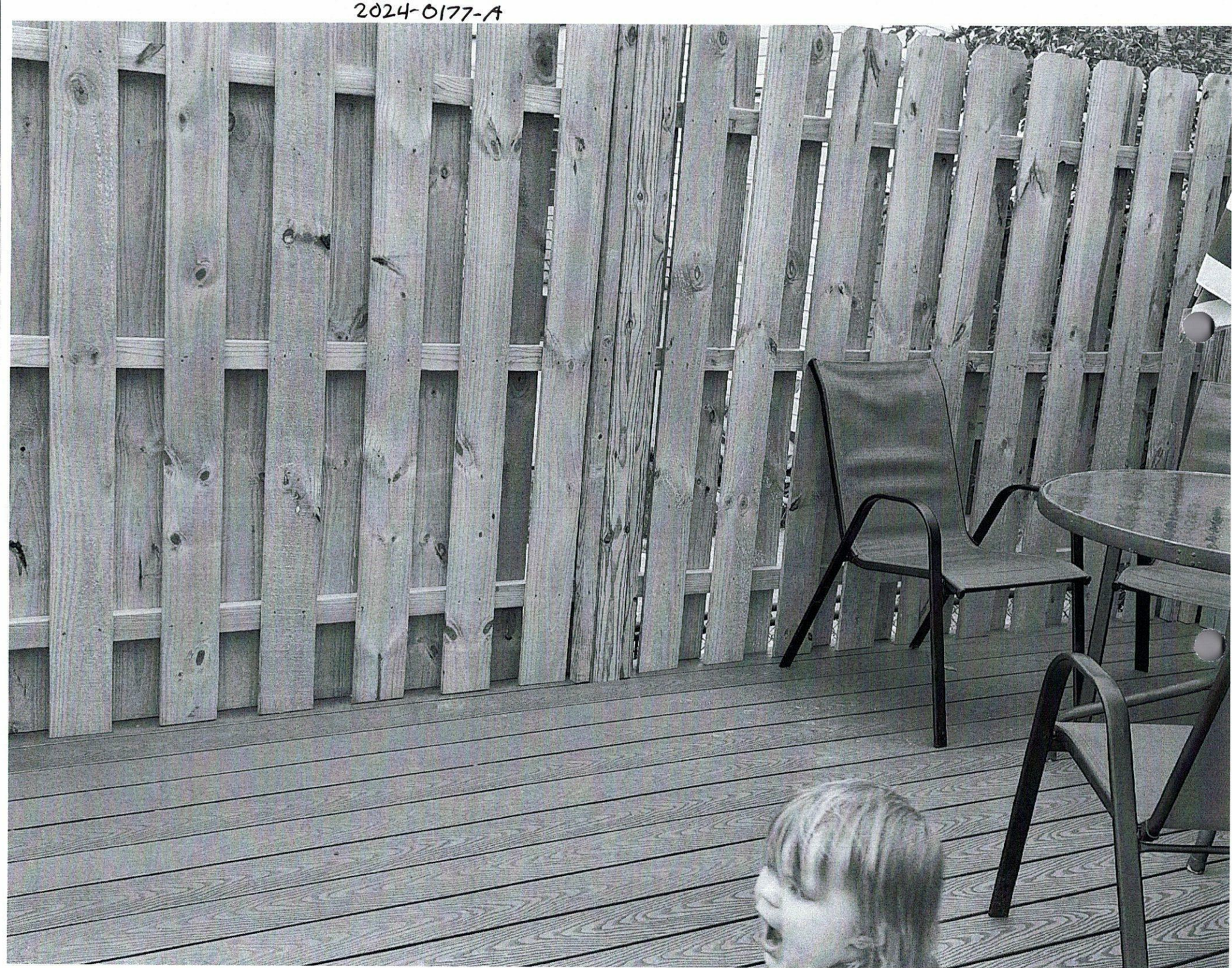
2024-0177-A



2024-0177-A



2024-0177-A



2024-0177-A



2024-0177-A



2024-0177-A



2024-0177-A



Nearest Sex Offenders



Marion Jr Lee Martin

66, White, Male

1.2 miles away

18 USC 2252(A)(2) - Receiving Images Of Child Pornography



Timothy Wayne Brink

55, White, Male

1.3 miles away

Sexual Solicitation Of A Minor - CI 3-324



Richard Keith Witte

24, White, Male

1.5 miles away

11-208 - POSSESSION OF CHILD PORNOGRAPHY

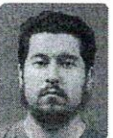


James Franklin Jones

45, Black, Male

1.8 miles away

ART.27 464B(A)(1) - 3RD DEGREE SEX OFFENSE - ART. 27 464B(A)(1)



Brandon Lee-matheson Fink

23, White, Male

2.5 miles away

CLA 11-207 - CHILD PORNOGRAPHY - DISTRIBUTION AND MANUFACTURING - >Sexual Motivation



Bernard Jr Fischer

52, White, Male

2.6 miles away

2nd Degree Rape - Art. 27 463

2024-0177-A

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: None

Account Identifier: District - 12 Account Number - 1216001590

Owner Information

Owner Name:	METZGER GEORGE A JR	Use:	RESIDENTIAL
Mailing Address:	230 MAGNOLIA TRL DELTA PA 17314-8716	Principal Residence:	NO
		Deed Reference:	/07343/ 00595

Location & Structure Information

Premises Address:	7620 SPRUCE RD 0-0000	Legal Description:	240 S NORTH POINT RD NORTHSHIRE
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Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0096	0024	0201	12020027.04	0000			160	2024	
Town: None									Plat Ref: 0014/ 0029

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1949	1,004 SF		6,250 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNITAS	BESTOS SHINGLE/3	1 full		1 Detached	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	48,200	60,600		
Improvements	98,700	131,200		
Total:	146,900	191,800	146,900	161,867
Preferential Land:	0	0		

Transfer Information

Seller: BUKOVSKY ROBERT L,SR	Date: 10/14/1986	Price: \$64,000
Type: ARMS LENGTH IMPROVED	Deed1: /07343/ 00595	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0177-A

