



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

October 18, 2024

Arnold Jablon, Esquire- ajablon@comcast.net
3717 Lanamer Road
Randallstown, MD 21133

RE: Petition for Variance
Case No. 2024-0200-A
Property: 4501 King George Court

Dear Mr. Jablon:

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 dark ink, appearing to read "Andrew M. Belt", is written over a horizontal line.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm

Enclosure

C: Steven and Dorothy Goff – stevergoff@aol.com

Brian Dietz – brian@dietzsurveying.net

IN RE: PETITION FOR VARIANCE
(4501 King George Court)
11th Election District
5th Council District
Steven Goff & Dorothy MaGee-Goff
(*Legal Owners*)

*

BEFORE THE

*

OFFICE OF ADMINISTRATIVE

*

HEARINGS OF

*

BALTIMORE COUNTY

Petitioners

*

CASE NO: 2024-0200-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by the legal owners, Steven Goff and Dorothy MaGee-Goff (“Petitioners”) for property located at 4501 King George Court, Perry Hall (the “Property”). Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (“BCZR”), Sections 400.1, 301.1, 1B02.C.1.b and 307.1, to permit a proposed pool in the side yard in lieu of the required rear yard. To permit an accessory building (shed) to be in the side yard in lieu of the rear yard and a property line setback of 1.5 ft. in lieu of the required 2.5 ft.; for a minimum rear yard setback of 6 ft. in lieu of the required 22.5 ft. for the deck (open projection).

An In Person/Virtual/Hybrid Hearing was held on October 15, 2024. The Petition was properly advertised and posted. The Petitioners appeared at the hearing along with their attorney Arnold Jablon, Esquire and expert registered land surveyor, Brian Dietz, who prepared the site plan (Pet. Ex. 1). There were no Protestants or interested citizens who appeared at the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), Development Plans Review (“DPR”), and the Department of Public Works and Transportation (“DPWT”) these agencies did not oppose the requested relief.

The subject property is 0.4 acres in the Perry Hall area of Baltimore County and is zoned DR 5.5. These lots are irregularly shaped and are improved with an existing two-story dwelling, deck, shed and fence. (Pet. Ex. 1)

As part of Mr. Jablon's proffer of the Petitioners' case, he described that the Petitioners are proposing the construction of a 20' x 20' in-ground swimming pool on the north side of the subject property. He noted that the property is an end-of-group, with a triangle shape that differentiates it from all surrounding properties. The rear of the existing dwelling contains an existing deck and is extremely narrow in comparison to the northern side of the property which occupies the majority of the property's square footage. Already existing on the north side of the property is an existing shed. Both the shed and the deck were present when the Petitioners purchased the property and they are now requesting variance relief for both of these existing structures to bring the property completely in compliance with zoning regulations. (Pet. Ex. 6 -11).

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).

The subject property was previously deemed "unique" in Case No. 2011-0155-A. Additionally, the triangle shape of the subject property and the location of the dwelling on the far southern part the lots make the property obviously "unique" in terms of the *Cromwell* analysis. The narrow nature of the area in the rear of the subject dwelling makes the installation of a swimming pool impossible in that location. Consequently, I find that the Petitioners will experience a practical difficulty if variance relief was denied.

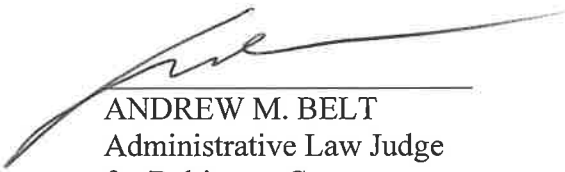
As such, I find that the requested variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED, this 18th day of **October, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, Sections 400.1, 301.1, 1B02.C.1.b and 307.1, to permit a proposed pool in the side yard in lieu of the required rear yard. To permit an accessory building (shed) to be in the side yard in lieu of the rear yard and a property line setback of 1.5 ft. in lieu of the required 2.5 ft.; for a minimum rear yard setback of 6 ft. in lieu of the required 22.5 ft. for the deck (open projection) be and are 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.

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/dlm



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 4501 King George Court, Perry Hall 21128

which is presently zoned DR 5.5

Deed References 49312/1909

10 Digit Tax Account # 11-2300001963 & 11-2300001965

Property Owner(s) Printed Name(s) Steven Goff and Dorothy MaGee-Goff

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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)

SEE ATTACHED

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)**

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded 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).

Petitioners:

Steven Goff and Dorothy MaGee-Goff

Name- Type or Print

Signature

4501 King George Court, Perry Hall

Mailing Address City State

21128 //
Zip Code Telephone # Email Address

Attorney for Petitioner:

Arnold Jablon

Name- Type or Print

Signature

3717 Lanamer Road, Randallstown, Md

Mailing Address City State

21133/ 443 250 6455 ajablon@comcast.net
Zip Code Telephone # Email Address

Legal Owners:

Steven Goff

Name #1 - Type or Print

Signature #1

4501 King George Court, Perry Hall

Mailing Address City State

21128
Zip Code Telephone # Email Address

Dorothy MaGee-Goff

Name #2 - Type or Print

Signature #2

Representative to be contacted:

Arnold Jablon

Name - Type or Print

Signature

3717 Lanamer Road, Randallstown, Md

Mailing Address City State

21133 /443 250 6455 ajablon@comcast.net
Zip Code Telephone # Email Address

CASE NUMBER 2024-0200-A Filing Date 8/3/2024 Do Not Schedule Dates: _____ Reviewer MJK

AFFIDAVIT IN SUPPORT OF VARIANCE

Attachment 1

This Petition for variance is filed pursuant to §§400.1, 301.1, 1.B02.C.1.b and 307.1 of the Baltimore County Zoning Regulations. The property is zoned DR 5.5.

The subject property of this Petition is located at 4501 King George Court, Perry Hall. The Petitioner is requesting approval for a variance to permit a proposed pool in the side yard in lieu of the required rear yard. Pre-existing on the property is a shed located 1.5' from the property line and a pre-existing deck, attached to the dwelling, located 6' from the rear property line, as more particularly shown on the accompanying site plan. The Petitioners propose to bring the property into compliance and are requesting the following additional variances:: to permit the shed to be in the side yard in lieu of the rear yard and a property line setback of 1.5' in lieu of the required 2.5', and for a minimum rear yard setback of 6' in lieu of the required 22.5' for the deck.

The subject property was recently purchased by the Petitioners and they propose to construct a 20' x 20' in ground swimming pool in the side yard. The subject property consists of 2 lots of record, lot 30 and parcel B, as more particularly shown on the accompanying site plan. The property is a corner lot.

The previous owner secured a rear yard setback of 13' in lieu of the required 30' for a sunroom, Case No. 2011-155A.

Attachment 2

General Notes

1. Area of property: 17,730 SF+/-
2. Existing Zoning of Property: DR 5.5
3. Existing Use of Property: residential
4. Proposed zoning of property: DR 5.5
5. Proposed Use of Property: single family dwelling
6. Property served by public water and sewer
7. Petitioner's requesting variances to permit (1) accessory structures, i.e., pool and shed to be in side yard in lieu of rear yard; (2) property line setback of 1.5' in lieu of the required 2.5' for the shed; and 6' in lieu of the required 22.5' for the existing deck.
8. Existing property's zoning history: 2011-155A
9. There are no code violations

Dietz Surveying, Inc.

8119 Oakleigh Road, Baltimore, MD 21234

Phone 410-661-3160 Fax 410-661-3163

www.dietzsurveying.net

July 26, 2024

Zoning Description

For

4501 King George Court

Beginning at a corner formed by the South side of Joppa Road, which is 60 feet wide, with the East side King George Court, which is 50 feet wide. Being Lot 30, and Parcel 'B' in the 1st Amended Subdivision of Oakdale II, as recorded in Baltimore County Plat Book #70, Folio #55, Containing 17,730 sq.ft. of land. Also known as 4501 King Georges Court and located in the 11th Election District, 5th Councilmanic District.

2024-0200-A

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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:

Item Number or Case Number: 2024-0200-A

Petitioner: Steven Goff and Dorothy MaGee-Goff

Address or Location: 4501 Prince George Ct, Baltimore, Maryland

PLEASE FORWARD ADVERTISING BILL TO:

Name: Law Office of Arnold Jablon

Address: 3717 Lanamer Road

Randallstown, Maryland 21133

Telephone Number: 443 250-6455

Revised 2/20/98 - SCJ

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 234217

Date: 5/23/2024

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

Rec From: Steven Goff & Dorothy Mugee - Goff

For: Administrative Zoning Variance

4501 King George Court

Cax # 2024-0200-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

MTK

CERTIFICATE OF POSTING

2024-0200-A

RE: Case No.: _____

Petitioner/Developer: _____

Steve Goff & Dorothy MaGee-Goff

October 15, 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:

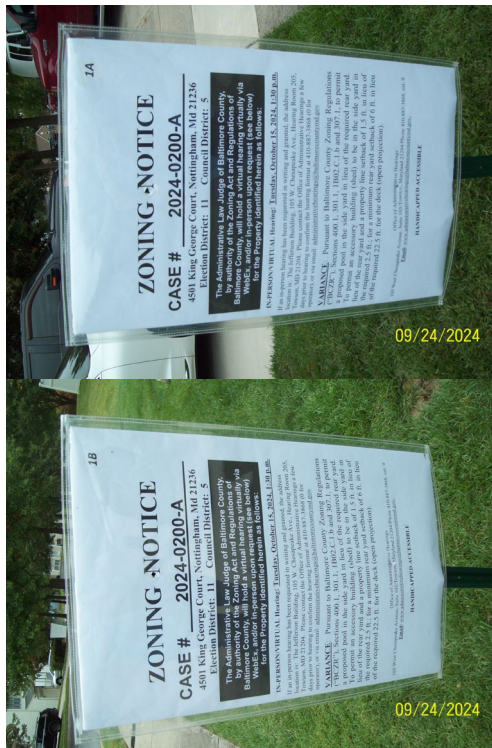
Ladies and Gentlemen:

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: _____

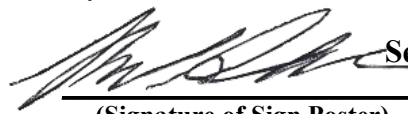
4501 King George Court *SIGN 1A & 1B*

September 24, 2024

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



Sincerely,

 **September 24, 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)

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: September 3, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0200-A
Address: 4501 KING GEORGE CT.
Legal Owner: Steven Goff & Dorothy MaGee-Goff

Zoning Advisory Committee Meeting of September 3, 2024.

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

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: September 19, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0200-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: Per the meeting with the petitioner's attorney and the Director of PAI, shed and deck must be moved out of easement before the issuance of any permits associated with this request. Current owner is aware that previous owner has obtain a permit for fence (B936162). Petitioner is aware, should Baltimore County need access to that easement fence will be removed at owner's expense.

DPW-T: State Document, Record Plat Liber 70 Folio 55, shows an existing 10-foot drainage and utility easement along the rear property line. The plan provided with the application shows the existing fence, shed, deck and retaining wall in the existing easement. The existing fence, shed, deck and retaining wall should be moved outside of the easement. The retaining wall may remain since it extends to several neighboring properties.

Landscaping: No comment.

Recreations & Parks: No comment.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 9/5/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0200-A

INFORMATION:

Property Address: 4501 King George Court
Petitioner: Steve Goff, Dorothy MaGee-Goff
Zoning: DR 5.5
Requested Action: Variance

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

Variance(s) pursuant to Sections 400.1, 301.1, 1B02.C.1.b and 307.1 of the Baltimore County Zoning Regulations (BCZR):

1. To permit proposed pool in the side yard in lieu of the required rear yard;
2. To permit an existing accessory building (shed) to be located in the side yard in lieu of the required rear yard, and to have a property line setback of 1.5 feet in lieu of the required 2.5 feet; and
3. To permit a minimum rear yard setback of 6 feet in lieu of the required 22.5 feet for an existing deck (open projection).

The subject site is comprised of two parcels totaling approximately 0.4 acres in the Perry Hall area. The lots are irregularly shaped and are improved with an existing two-story dwelling, deck, shed, and fence. The majority of the yard for the property is located on the north side of the dwelling, rather in the rear. Based on aerial imagery of the property available to the Department of Planning, a shed was first installed in the side yard sometime between 2002 and 2005, and the deck was constructed between 2011 and 2014.

The subject site is within the boundary of the Perry Hall Community Plan, adopted February 22nd, 2011. The plan provides recommendations related to building strong neighborhoods, improving mobility, environmental stewardship, school learning centers, family life, recreation, and creating a sense of place within the plan area boundary. The plan primarily focuses on big picture recommendations for the area and does not provide guidance specific to the petition at hand.

The Department of Planning has no objections to the requested Variance relief. The shed and deck are both existing, and have been in place for quite some time, and the irregular shape of the property makes constructing a pool in the rear yard not feasible.

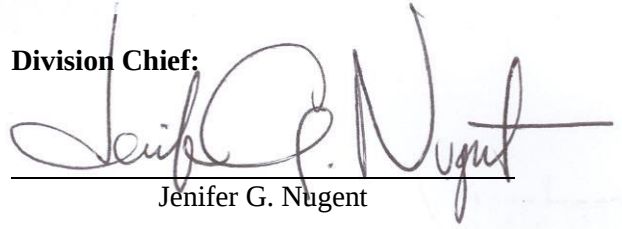
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Arnold Jablon
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 11 Account Number - 2300001965

Owner Information

Owner Name: GARCIA MARCELO E Use: RESIDENTIAL
GARCIA MARIA T Principal Residence: NO
Mailing Address: 4501 KING GEORGE CT Deed Reference: /13548/ 00403
PERRY HALL MD 21128-9322

Location & Structure Information

Premises Address: KING GEORGE CT Legal Description: .222 AC PARCEL B
PERRY HALL 21128-9322 ES KING GEORGE CT
OAKDALE II

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0072 0009 0231 11020019.04 0000 0 2024 Plat Ref: 0070/ 0055

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
0.2200 AC 04

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2024	07/01/2025
Land:	200	200		
Improvements	0	0		
Total:	200	200	200	200
Preferential Land:	0	0		

Transfer Information

Seller: PREAKNESS OAKDALE INC	Date: 02/24/1999	Price: \$213,658
Type: ARMS LENGTH MULTIPLE	Deed1: /13548/ 00403	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2024	07/01/2025
County:	0.00	
State:	0.00	
Municipal:	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:

2024-0200-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 - 11 Account Number - 2300001963

Owner Information

Owner Name: GARCIA MARCELO E Use: RESIDENTIAL
GARCIA MARIA T Principal Residence: YES
Mailing Address: 4501 KING GEORGE CT Deed Reference: /13548/ 00403
PERRY HALL MD 21128-9322

Location & Structure Information

Premises Address: 4501 KING GEORGE CT Legal Description: .185 AC
PERRY HALL 21128-9322 4501 KING GEORGE CT ES
OAKDALE II

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0072 0009 0231 11020019.04 0000 30 2024 Plat Ref: 0070/ 0055

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1998 2,596 SF 8,072 SF 04

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
2 YES STANDARD UNITSIDING/4 2 full/ 1 half 1 Attached

Value Information

	Base Value	Value As of 01/01/2024	Phase-in Assessments As of 07/01/2024 As of 07/01/2025	
Land:	99,700	103,000		
Improvements	301,800	401,000		
Total:	401,500	504,000	435,667	469,833
Preferential Land:	0	0		

Transfer Information

Seller: PREAKNESS OAKDALE INC	Date: 02/24/1999	Price: \$213,658
Type: ARMS LENGTH MULTIPLE	Deed1: /13548/ 00403	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2024	07/01/2025
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

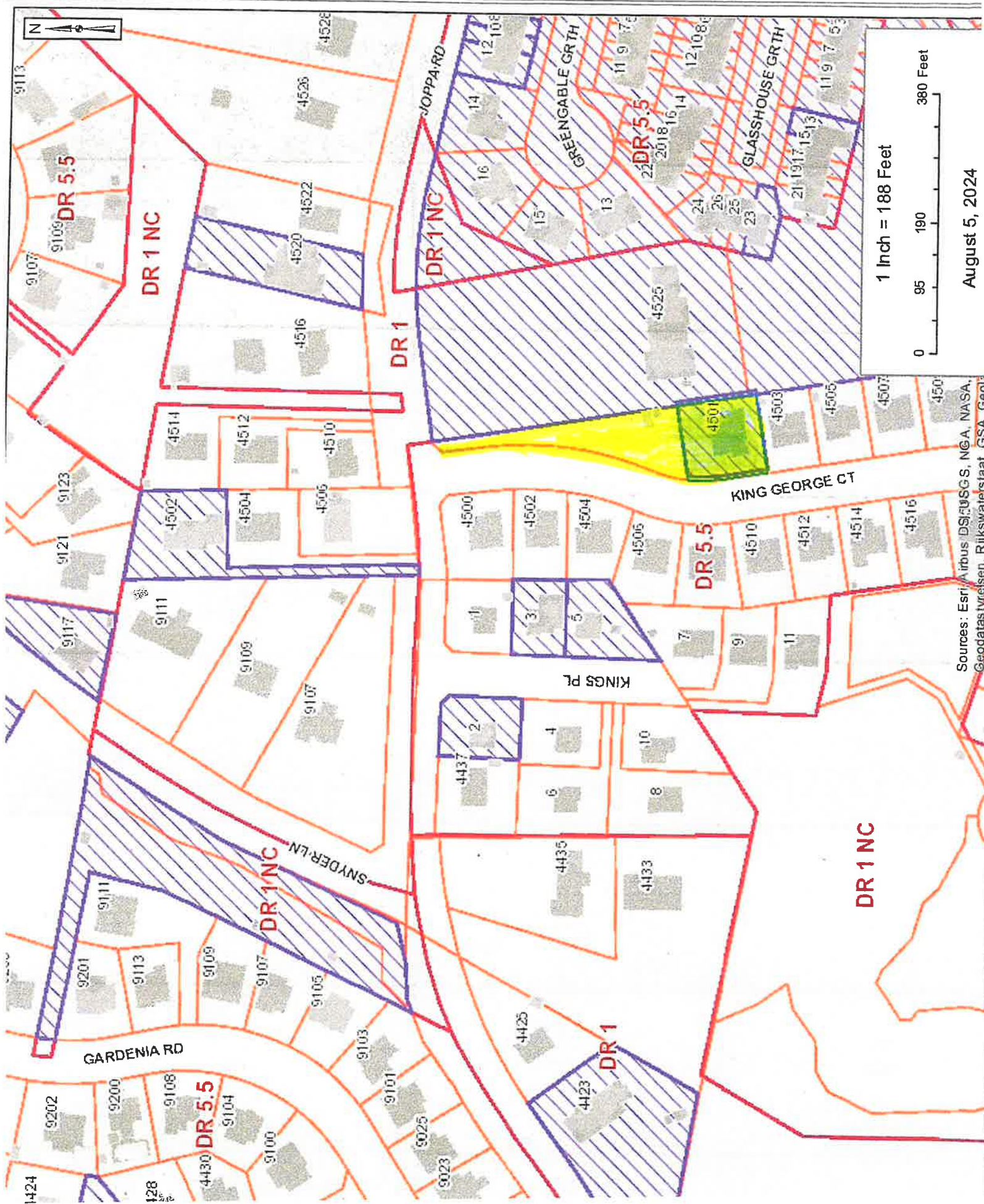
Homestead Application Status: Approved 03/09/2010

Homeowners' Tax Credit Application Information

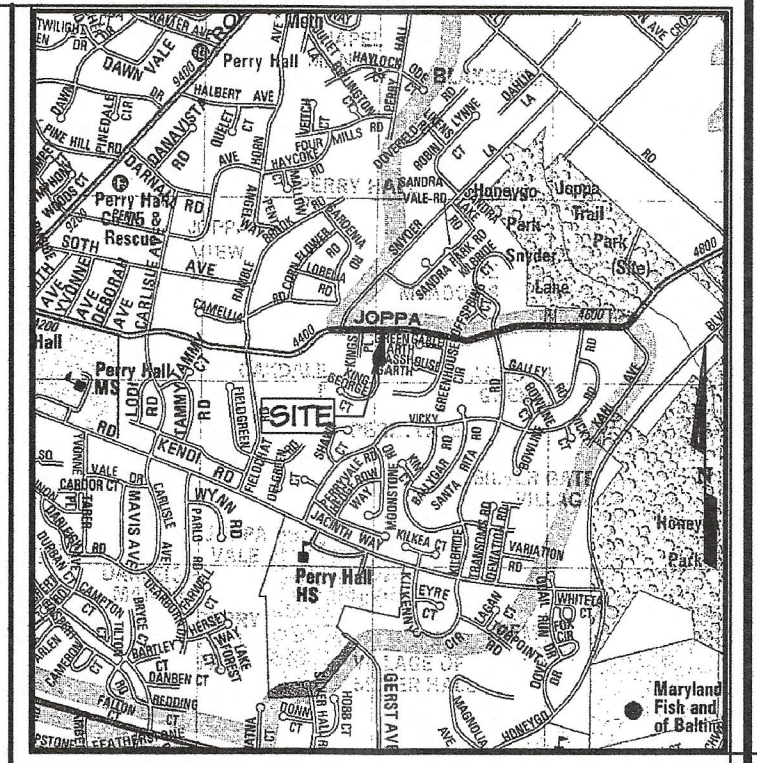
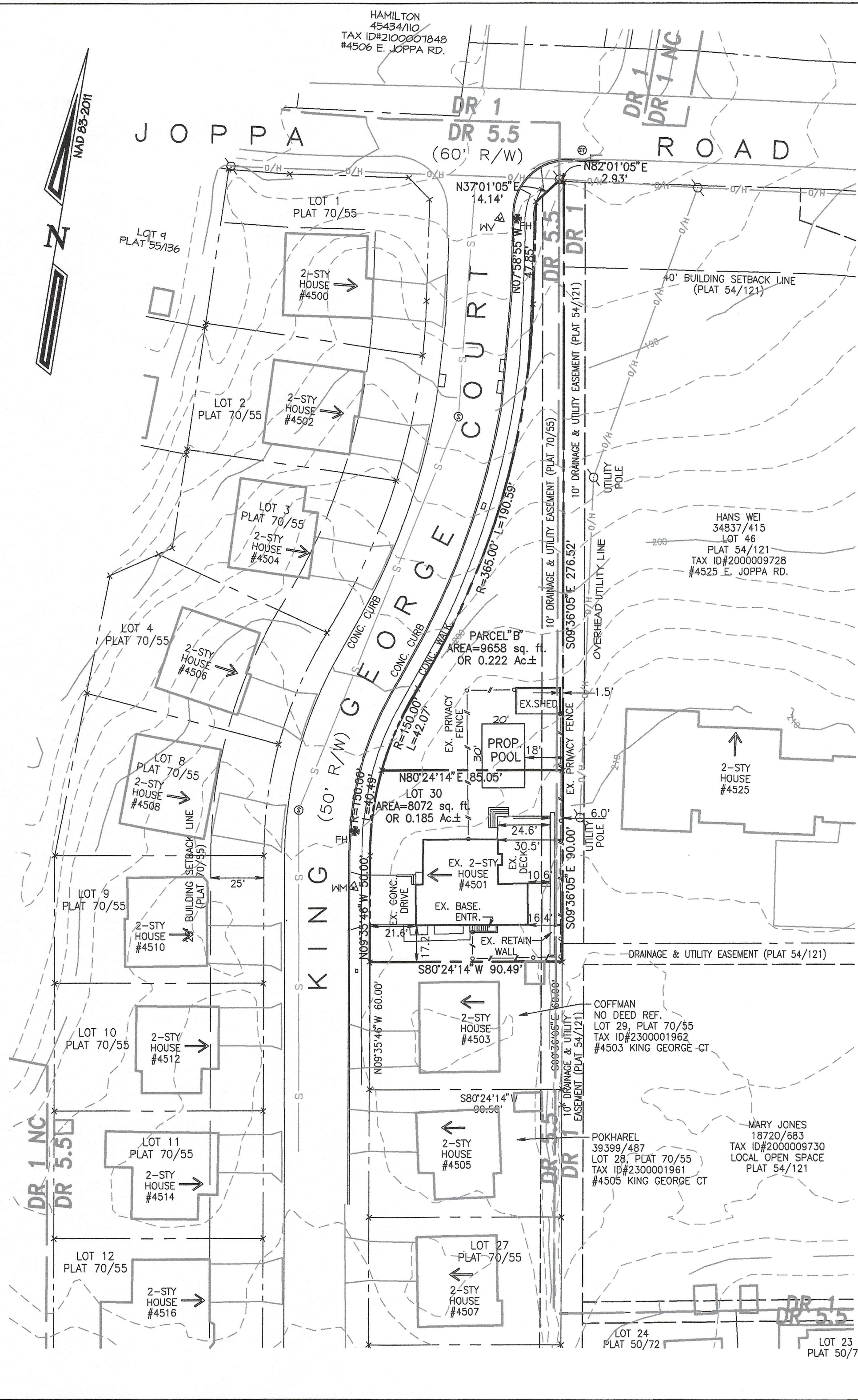
Homeowners' Tax Credit Application Status: No Application Date:

2024-0200-A

2074-0200-A



Sources: Esri, Airbus DS, USGS, NGA, NASA, Geodatas tyreisen, Rijkswaterstaat GSA, Geo:



Vicinity Map
Scale: 1" = 200'

Notes

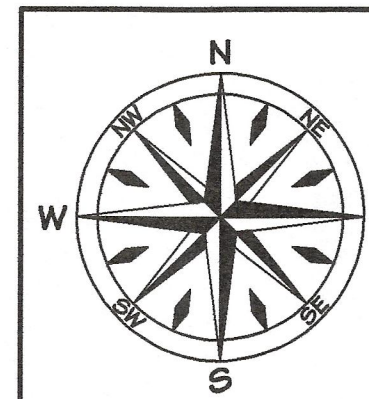
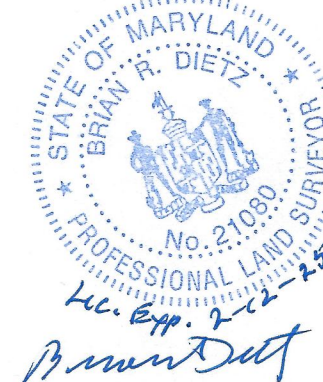
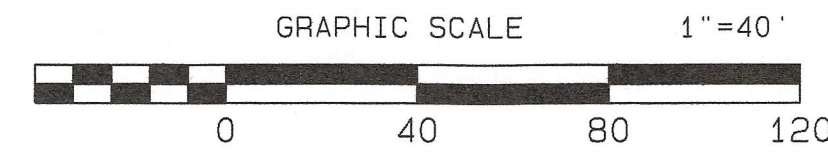
1. Owner: STEVE GOFF
4501 King George Court
Perry Hall, MD 21128
2. Zoned: DR 5.5
3. This site is not in the Chesapeake Bay Critical Area.
4. This site is not in the 100 year flood plain.
5. There are no underground fuel tanks.
6. This is not a historic property/building.
7. This site is serviced by public water and sewer.
8. Prior Zoning Hearing:
Case No. 2011-0155-A
December 1, 2010
Variance for Rear Setback of 13' in lieu of 30' - GRANTED

**Plat to Accompany
A Zoning Variance
of
STEVE GOFF PROPERTY**

**4501 King George Court
Baltimore County, Maryland**

**Lot 30 & Parcel "B"
1st Amended Plat 'Oakdale II'
Plat Ref. S.M. 70/55**

**Tax Map 72 Grid 9 Parcel 231
11th Election District, 5th Councilmanic District
Scale: 1"=40' Date: July 17, 2024**



Dietz Surveying Inc.
Land Surveying and Land Planning
8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsurveying.net

Revisions	Date	Plot Date: 7/26/2024	FIELD: JMD	DRAWN: KCK	Job No. 24237
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