



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 16, 2024

Bi Hua Chen and Rong Fang Yao
2313 Old Bosley Road
Timonium, MD 21093

RE: Petition for Administrative Variance
Case No. 2024-0212-A
Property: 2313 Old Bosley 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 that reads "Maureen E. Murphy". The signature is written in a cursive style.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlw
Enclosure

c: An Thai – anthaicommercial@gmail.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(2313 Old Bosley Road)		
8 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Bi Hua Chen & Rong Fang Yao	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2024-0212-A
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Bi Hua Chen and Rong Fang Yao (“Petitioners”), for the property located at 2313 Old Bosley Road, Timonium (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §400.1 and §400.3, to permit a proposed accessory building (detached garage) to be located in the side yard in lieu of the required rear yard only, and to permit a height of 21 ft in lieu of the maximum allowed 15 ft. 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-2D).

A Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability (“DEPS”), dated September 30, 2024 and received on October 10, 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 meets Ground Water Management requirements.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on September 29, 2024 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. The Petitioners have filed the supporting Affidavit as required by Baltimore County Code (“BCC”), §32-3-303.

In the opinion of the Administrative Law Judge, the information, photographs, and Affidavit submitted provide sufficient facts that comply with the requirements of the BCZR, §307.1. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners. I find that there is evidence in the file to indicate that the requested height and area Variances will not 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 height and area Variances should be granted.

THEREFORE, IT IS ORDERED, this 16th day of **October, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §400.1 and §400.3, to permit a proposed accessory building (detached garage) to be located in the side yard in lieu of the required rear yard only, and to permit a height of 21 ft in lieu of the maximum allowed 15 ft., be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners and subsequent owners shall not convert the detached garage into a dwelling unit or apartment. The detached garage shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities.

3. The detached garage shall not have a separate utility or electric connection and shall connect all electrical to the home.
4. The detached garage shall not be used for commercial or industrial purposes.
5. Petitioners and all subsequent owners shall comply with the DEPS ZAC comment dated September 30, 2024 and received October 10, 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

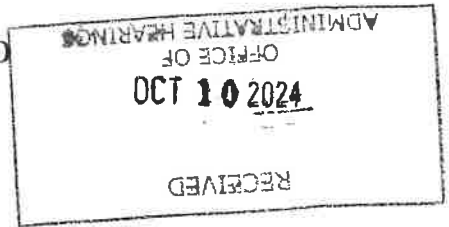

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlw

AV

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 30, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0212-A
Address: 2313 OLD BOSLEY ROAD
Legal Owner: Bi Hua Chen, Rong Fang Yao

Zoning Advisory Committee Meeting of October 1, 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 meets Ground Water Management requirements.

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 Baltimore County for the property located at:

Address 2313 Old Bosley Rd, Timonium MD 21093 Currently Zoned RCS

Deed Reference 48778 / 00323 10 Digit Tax Account # 2 2 0 0 0 0 4 2 2 1

Owner(s) Printed Name(s) Bi Hua chen, Rong Fang Yao

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

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ ADMINISTRATIVE VARIANCE from Section(s)

See attached

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):

Bi Hua chen / Rong Fang Yao
Name #1 – Type or Print Name #2 – Type or Print

[Signature] / [Signature]
Signature #1 Signature #2

2313 Old Bosley Rd Timonium
Mailing Address City State

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

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

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be Contacted:

An Thai
Name - Type or Print

[Signature]
Signature

3606 Macalpine Rd Ellicott City MD
Mailing Address City State

21042 / 703.732.5498 / anthaicommercial@gmail.com
Zip Code Telephone # Email Address

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

Case Number 2024-0212-A Filing Date 9/14/24 Administrative Law Judge for Baltimore County Estimated Posting Date 9/29/24 Reviewer JY

Closing date
10/14/24

Revised 8/2022

Affidavit in Support of Administrative Variance
(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 2313 Old Bosley Rd Timonium MD 21093
Print or Type Address of Property City State Zip Code

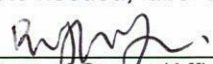
Based upon personal knowledge, the following are the facts upon which I/we base the request for an **Administrative Variance** at the above address. **(Clearly state practical difficulty or hardship here)**

Height of detached garage needs to be 21'-0" to conform to HOA's design requirements. Per their word -
slope of roof must match home's roof pitch of 12:12 - meaning the roof will be quite high. Current maximums
prevent us from doing this.

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


Signature of Owner (Affiant)

Bi Hua Chen
Name - Print or Type


Signature of Owner (Affiant)

Rong Fang Yao
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 24th day of July, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

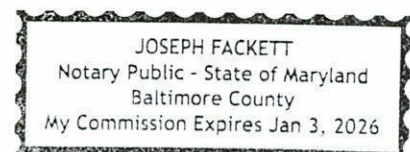
Print name(s) here: Bi Hua Chen, Rong Fang Yao

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

AS WITNESS my hand and Notaries Seal


Notary Public

1/3/26
My Commission Expires



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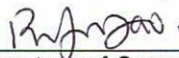
Based upon personal knowledge, the following are the facts upon which I/we base the request for an **Administrative Variance** at the above address. (Clearly state practical difficulty or hardship here)

Detached garage is to be located besides the house - NOT in the rear yard. Garage is for oversized vehicle that would not otherwise fit inside existing residential garage.

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


Signature of Owner (Affiant)

Bi Hua Chen
Name - Print or Type


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Attachment

Administrative Variance from Section 400.1 & 400.3, BCZR, to permit a proposed accessory building (detached garage) to be located in the side yard in lieu of the required rear yard only, and to permit a height of 21 feet in lieu of the maximum allowed 15 feet.

Property Description

Beginning at a point on the South side of Old Bosley Rd which is 20 feet wide at the distance of 180 ft West of the centerline of the nearest improved intersecting street Post Spring Rd which is 30 feet wide.

Being Lot # 11 in the subdivision of Timberline Park as recorded in Baltimore County Plat Book #0062 Folio # 0036 containing 2.4 AC. Located in 8th Election District and 3rd Councilmanic District.

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024 - 0212 -A Address 2313 Old Bosley Rd

Contact Person: Jesse Krout Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/19/24 Posting Date: 9/29/24 Closing Date: 10/14/24

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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.
- 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 - 0212 -A Address 2313 Old Bosley Rd

Petitioner's Name: Rong Fang Yao Telephone (Cell) 7037325498

Posting Date: 9/29/24 Closing Date: 10/14/24

Wording for Sign: To Permit

Administrative Variance from Section 400.1 & 400.3, BCZR, to permit a proposed accessory building
(detached garage) to be located in the side yard in lieu of the required rear yard only, and to permit a
height of 21 feet in lieu of the maximum allowed 15 feet.



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Bi Hua chen / Rong Fang Yao
Name #1 – Type or Print Name #2 – Type or Print

[Signature] / [Signature]
Signature #1 Signature #2

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

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Name - Type or Print

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Representative to be Contacted:

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[Signature]
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Mailing Address City State

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Revised 8/2022

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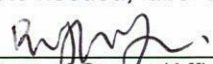
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Bi Hua Chen
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Signature of Owner (Affiant)

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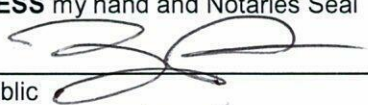
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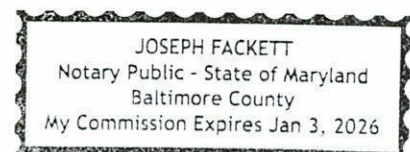
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1/3/26
My Commission Expires



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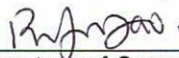
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Signature of Owner (Affiant)

Bi Hua Chen
Name - Print or Type


Signature of Owner (Affiant)

Rong Fang Yao
Name - Print or Type

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Attachment

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Property Description

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Being Lot # 11 in the subdivision of Timberline Park as recorded in Baltimore County Plat Book #0062 Folio # 0036 containing 2.4 AC. Located in 8th Election District and 3rd Councilmanic District.

Baltimore COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: September 24, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0212-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. 2024-0212 - A

Petitioner: Rong Fang Yao

Closing Date: 10/14/24

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 _____

2313 Old Bosley Road – Front of property (1 of 2)

2313 Old Bosley Road – Close up of sign wording (2 of 2)

on 9/29/24

Sincerely,

Richard E. Hoffman (signed) 9/29/24

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

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 - 2200004221

Owner Information

Owner Name: YAO RONG FANG Use: RESIDENTIAL
CHEN BI HUA Principal Residence: YES
Mailing Address: 2313 OLD BOSLEY RD Deed Reference: /48778/ 00323
LUTHERVILLE TIMONIUM MD 21093-1105

Location & Structure Information

Premises Address: 2313 OLD BOSLEY RD Legal Description: 2.4068 AC
LUTHERVILLE TIMONIUM 21093-1105 2313 OLD BOSLEY RD
TIMBERLINE PARK

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0052 0009 0151 8010010.04 0000 11 2023 Plat Ref: 0062/ 0036

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2004	5,521 SF	1045 SF	2.4000 AC	04

Stories Basement Type	Exterior Quality Full/Half Bath	Garage	Last Notice of Major Improvements
2 YES STANDARD UNIT BRICK/ 7	4 full	1 Attached	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2024	07/01/2025
Land:	342,000	342,000		
Improvements	650,200	1,057,200		
Total:	992,200	1,399,200	1,263,533	1,399,200
Preferential Land:	0	0		

Transfer Information

Seller: NI ZHOUKAI	Date: 02/14/2024	Price: \$718,888
Type: ARMS LENGTH IMPROVED	Deed1: /48778/ 00323	Deed2:
Seller: THE BANK OF NEW YORK MELLON	Date: 09/13/2017	Price: \$720,800
Type: NON-ARMS LENGTH OTHER	Deed1: /39383/ 00295	Deed2:
Seller: LOVLEY PETER L	Date: 03/16/2017	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /38739/ 00121	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: Application received 08/13/2024

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

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 30, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0212-A
Address: 2313 OLD BOSLEY ROAD
Legal Owner: Bi Hua Chen, Rong Fang Yao

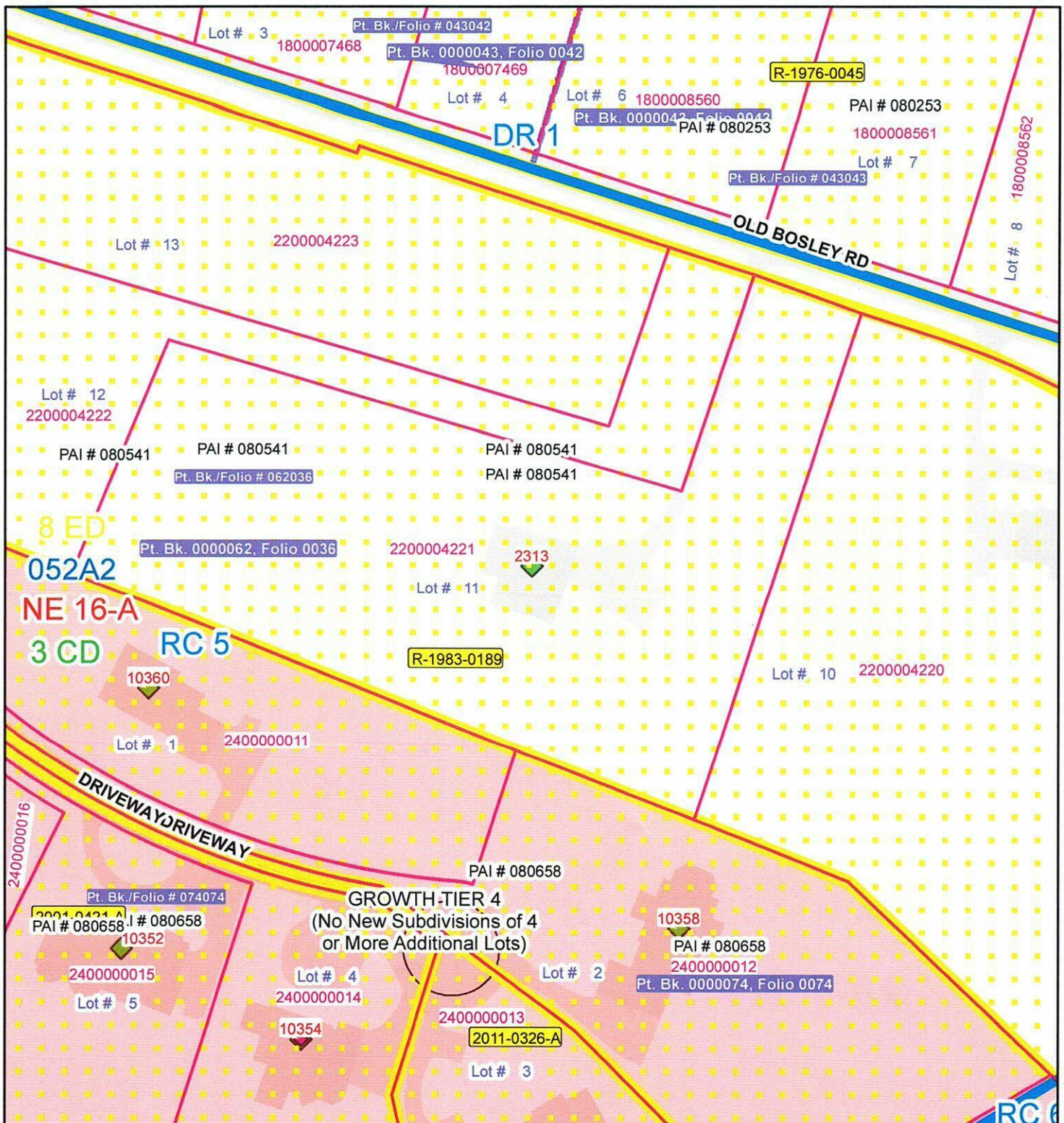
Zoning Advisory Committee Meeting of October 1, 2024.

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 meets Ground Water Management requirements.

Reviewer: Rochelle V. Underwood

2313 Old Bosley rd



Publication Date: 9/18/2024



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 99.774923 feet

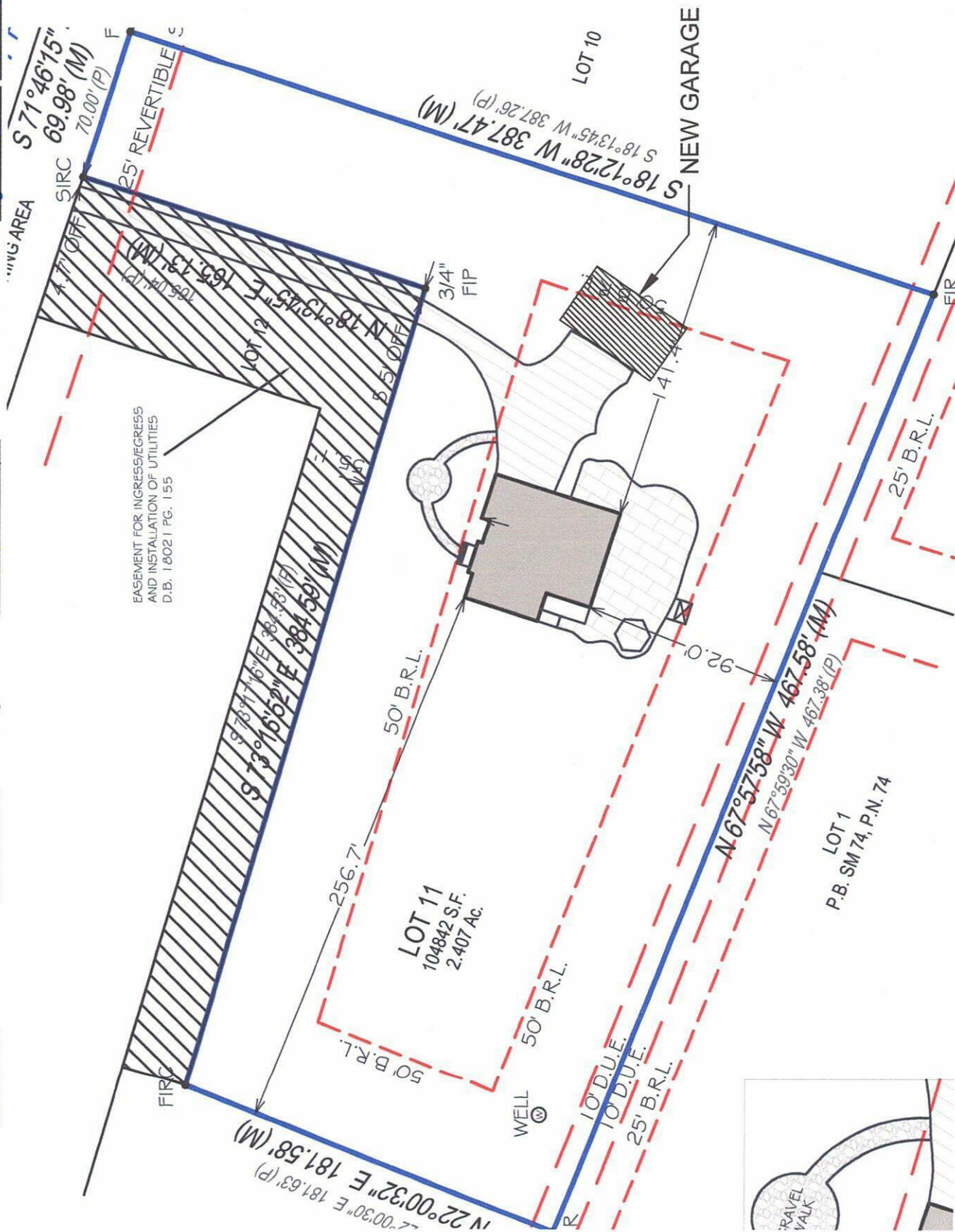


Utilities - Mark with
Water is: _____
Public _____ Private _____
Sewer is: _____
Public _____ Private _____
Prior Hearing (Yes
No) 3
f (Yes) list Case
Number(s) _____
and order result(s)
below: _____

Isolation Case
Number(s) _____

Violation Case Number(s)

Zoning Hearing Plan for Variance ✓
 Address 2313612 Baskley Rd
 Subdivision Name Timberland Park
 Plat Book # 0062
 Folio # 0036
 10 Digit Tax # 2200001221
 Lot # 11
 Owner(s) Name(s) Bi Hua Chen
 Block # Section #
 Mark Type Requested with (X)
 Deed Reference # 487728



Utilities - Mark with
Water is: _____
Public _____ Private _____
Sewer is: _____
Public _____ Private _____
Prior Hearing (Yes/No) m
If (Yes) list Case Number(s) _____
and order result(s) _____
below: _____

Isolation Case Number(s) _____

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