



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

January 14, 2025

Michael & Chana Selmar
3410 Terrapin Road
Pikesville, MD 21208

RE: Petition for Administrative Variance
Case No. 2024-0259-A
Property: 3410 Terrapin Road

Dear Mr. and Mrs. Selmar:

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 "DJB", written over a horizontal line.

DEREK. J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlw
Enclosure

c: Walter Daniels – danielsarchitects@gmail.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(3410 Terrapin Road)		
3 rd Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Michael & Chana Selmar	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2024-0259-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, Michael and Chana Selmar (“Petitioners”), for the property located at 3410 Terrapin Road, Baltimore (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), Section 1B02.3.B (Section 205.3 of the 1958 zoning regulations), to permit dwelling additions with side yard setbacks of 9 ft. and 10 ft. respectively, in lieu of the minimum required 15 ft. for each, respectively. The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioners’ Exhibit 1. Street view photographs of the Property were provided. (Pet. Exs. 2A-2B).

Zoning Advisory Committee (“ZAC”) comments were received from the Bureau of Development Plans Review (“DPR”), dated December 16, 2024, which indicated all necessary easements and/or dedication to Baltimore County must be completed before issuance of permits. In addition, a ZAC comment was received from the Department of Public Works and Transportation (“DPWT”), dated December 16, 2024, indicating the following:

- A. The applicant must dedicate an easement width equal to 10 feet on their property for the existing storm drain system as shown on the plan provided as well as County Storm Drain Drawing 1960-0206. No permits can be granted until the plan has been revised.

- B. The proposed house must be located outside of the easement or 3 feet plus a 2:1 slope from the existing ground to the invert of the existing storm drain, whichever is greater. No permits can be granted until the plan has been revised.
- C. The applicant must inspect and report the condition of the existing storm drain by a Professional Engineer and Certified NASSCO technician. If the storm drain needs to be replaced the applicant must replace before any permits may be granted.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on December 13, 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 Section 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

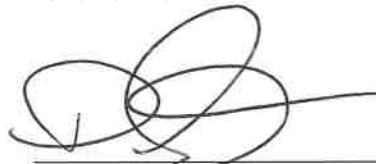
Pursuant to the posting of the Property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 14th day of **January, 2025**, 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 (Section 205.3 of the 1958 zoning regulations), to permit dwelling additions with side yard setbacks of 9 ft. and 10 ft. respectively, in lieu of the minimum required 15 ft. for each, respectively, be and it is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- Petitioners must comply with the DPR and DPWT ZAC comments, dated December 16, 2024; a copy of which is attached hereto and made a part hereof.
- After complying with the condition above, Petitioners may then proceed and 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.

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

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlw

12/30/24

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0259-A

DATE: December 16, 2024

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

DPR: All necessary easements and/or dedication to Baltimore County must be completed before issuance of permits.

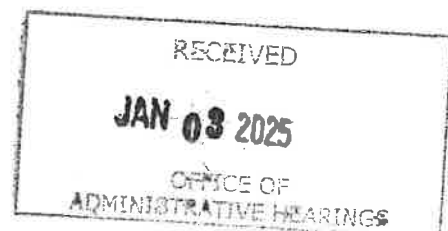
DPW-T: A. The applicant must dedicate an easement width equal to 10 feet on their property for the existing storm drain system as shown on the plan provided as well as County Storm Drain Drawing 1960-0206. No permits can be granted until the plan has been revised.

B. The proposed house must be located outside of the easement or 3 feet plus a 2:1 slope from the existing ground to the invert of the existing storm drain, whichever is greater. No permits can be granted until the plan has been revised.

C. The applicant must inspect and report the condition of the existing storm drain by a Profession Engineer and Certified NASSCO technician. If the storm drain needs to be replaced the applicant must replace before any permits may be granted.

Landscaping: No comment.

Recreations & Parks: No comment LOS & No Greenways affected.



VKD: sc
cc: file

24-1057 TC



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 3410 Terrapin Rd. Baltimore, MD 21208 Currently Zoned DR2 *Vestice R20 1958 Reg*
Deed Reference 49432 / 00104 10 Digit Tax Account # 0318073260
Owner(s) Printed Name(s) SELMAR MICHAEL, SELMAR CHANA

(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:

☒ **ADMINISTRATIVE VARIANCE** from Section(s)
Section 1B02.3.B, BCZR (section 205.3 of the 1958 zoning regulations) to permit dwelling additions with a side yard setbacks of 9 feet and 10 feet respectively, in lieu of the minimum required 15 feet for each,

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):

Michael Selmar / Chana Selmar
Name #1 - Type or Print Name #2 - Type or Print
M Selmar / Chana
Signature #1 Signature #2
3410 Terrapin Rd Baltimore MD
Mailing Address City State
21208
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:

WALTER DANIEL ARCHITECT
Name - Type or Print
Walter Daniel
Signature
1113 Ivy Hill Rd Cockeysville MD
Mailing Address City State
21030, 4105603588, daniel architects
Zip Code Telephone # Email Address
c@gmail.com

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 2024-0259-A Filing Date 12/2/24 Estimated Posting Date 12/15/24 Reviewer TC
Closing 12/30/24 Revised 8/2022

R. 20 Zone—Residence, One-Family

Section 203—USE REGULATIONS

The following uses only are permitted:

203.1—Uses permitted and as limited in R. 40 Zone.

203.2—Special Exceptions—Same as in R. 40 Zone, Section 200.15, except airports and laboratories which are not permitted (see Sections 270 and 502).

Section 204—HEIGHT REGULATIONS:

Same as R. 40 Zone.

Section 205—AREA REGULATIONS

Minimum requirements, except as provided in ARTICLE 3, shall be as follows:

205.1—Lot Area and Width—Each principal building hereafter erected shall be located on a lot having an area of not less than 20,000 square feet, and a width at the front building line of not less than 100 feet, except that for four or more lots in the same ownership, and in the same tract, a minimum lot area of 15,000 square feet is permitted if an average of all the lot sizes in the same ownership and in the same tract equals 20,000 square feet or more, but not more than thirty per cent of the lots may have an area less than 20,000 square feet (see Section 304).

205.2—Front Yard—For dwellings, the front building line shall be not less than 40 feet from the front lot line and not less than 65 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—60 feet from the front lot line and not less than 85 feet from the center line of the street, except as in Section 303.1.

205.3—Side Yards—For dwellings, 15 feet wide, except that for a corner lot the building line along the side street shall be not less than 40 feet from the side lot line and not less than 65 feet from the center line of the street; for other principal buildings—30 feet wide, except that for a corner lot the building line along the side street shall be not less than 50 feet from the side lot line and not less than 75 feet from the center line of the street.

205.4—Rear Yard—40 feet deep.

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

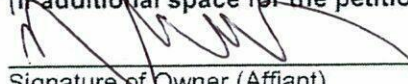
The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in 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: 3410 Terrapin Rd, Baltimore MD 21208
Print or Type Address of Property City State Zip Code

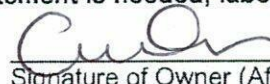
Based upon personal knowledge, the following are the facts upon which I/we base the request for an **Administrative Variance** at the above address. (Clearly state practical difficulty or hardship here)

TO ADD A PLAY ROOM AND BED ROOM ADDITION AND
STILL PRESERVE THE LEVEL BACK YARD SPACE.

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


Signature of Owner (Affiant)

Michael Selmar
Name - Print or Type


Signature of Owner (Affiant)

Chana Selmar
Name - Print or Type

The following information is to be completed by a Notary Public of the State of ~~Maryland~~ Michigan

Michigan Oakland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23rd day of October, 2024, before me a Notary of ~~Maryland~~ Michigan, in and for the County aforesaid, personally appeared:

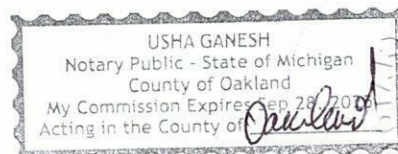
Print name(s) here: MICHAEL SELMAR

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

AS WITNESS my hand and Notaries Seal


Notary Public

Sep 28, 2025
My Commission Expires



2024-0259-A

ZONING PROPERTY DESCRIPTION FOR 3410 TERRAPIN RD, BALTIMORE MD 21208

Beginning at the centerline of Winterset Road (50'R.O.W) Thence 339.5' along to north side of Wardman Road (50'R.O.W), to the 1st point of call, Thence following the courses and distances from 1st point of call N13 05' 50" W 184.82 to 2ND POC, then N03 19' 25" w 40.84' to 3rd POC, then S 84 30' 00" W 93.89' to 4th POC, then N 13 05' 50" W 212.66' to 5th POC, then S 76 54' 10" e 100.00t to the 1st Point of call as recorded in Deed Liber 49432/00164 containing 20,928 square feet or 0.48 acres. Located in the 3rd Election District and 2nd Council District.

2024-02⁵~~4~~9

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024 - 0259 -A Address 3410 Terrapin Rd

Contact Person: 1 TYLER COX Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/2/24 Posting Date: 12/15/24 Closing Date: 12/30/24

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

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 - 0259 -A Address 3410 Terrapin Rd

Petitioner's Name: WALTER DANIELS Telephone (Cell) 410 493 8550

Posting Date: 12/15/24 Closing Date: 12/30/24

wording for Sign: To Permit

Section 1B02.3.B, BCZR (section 205.3 of the 1958 zoning regulations) to permit dwelling additions with a side yard setbacks of 9 feet and 10 feet respectively, in lieu of the minimum required 15 feet for each, respectively.

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: December 19, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0259-A
Address: 3410 TERRAPIN ROAD
Legal Owner: Michael & Chana Selmar

Zoning Advisory Committee Meeting of December 20, 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: December 16, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0259-A

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

DPR: All necessary easements and/or dedication to Baltimore County must be completed before issuance of permits.

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C. The applicant must inspect and report the condition of the existing storm drain by a Profession Engineer and Certified NASSCO technician. If the storm drain needs to be replaced the applicant must replace before any permits may be granted.

Landscaping: No comment.

Recreations & Parks: No comment LOS & No Greenways affected.

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 - 03 Account Number - 0318073260

Owner Information

Owner Name:	SELMAR MICHAEL SELMAR CHANA	Use:	RESIDENTIAL
Mailing Address:	3410 TERRAPIN RD BALTIMORE MD 21208-3129	Principal Residence:	YES
		Deed Reference:	/49432/ 00164

Location & Structure Information

Premises Address:	3410 TERRAPIN RD BALTIMORE 21208-3129	Legal Description:	127 W TERRAPIN COURT DUMBARTON HEIGHTS
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Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0068 0022 0194 3030033.04 0000 4 C 32 2023 Plat Ref: 0026/ 0044

Town: None

Primary Structure Built Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1960	2,314 SF	20,928 SF	04

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	NO	STANDARD UNIT	FRAME/5	2 full	1 Carport

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2024	07/01/2025
Land:	111,500	111,500		
Improvements	171,300	283,200		
Total:	282,800	394,700	357,400	394,700
Preferential Land:	0	0		

Transfer Information

Seller: LEVITT CARL J	Date: 09/20/2024	Price: \$493,500
Type: ARMS LENGTH IMPROVED	Deed1: /49432/ 00164	Deed2:
Seller: RUBENS RUTH	Date: 11/10/1970	Price: \$41,000
Type: ARMS LENGTH IMPROVED	Deed1: /05141/ 00694	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: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**



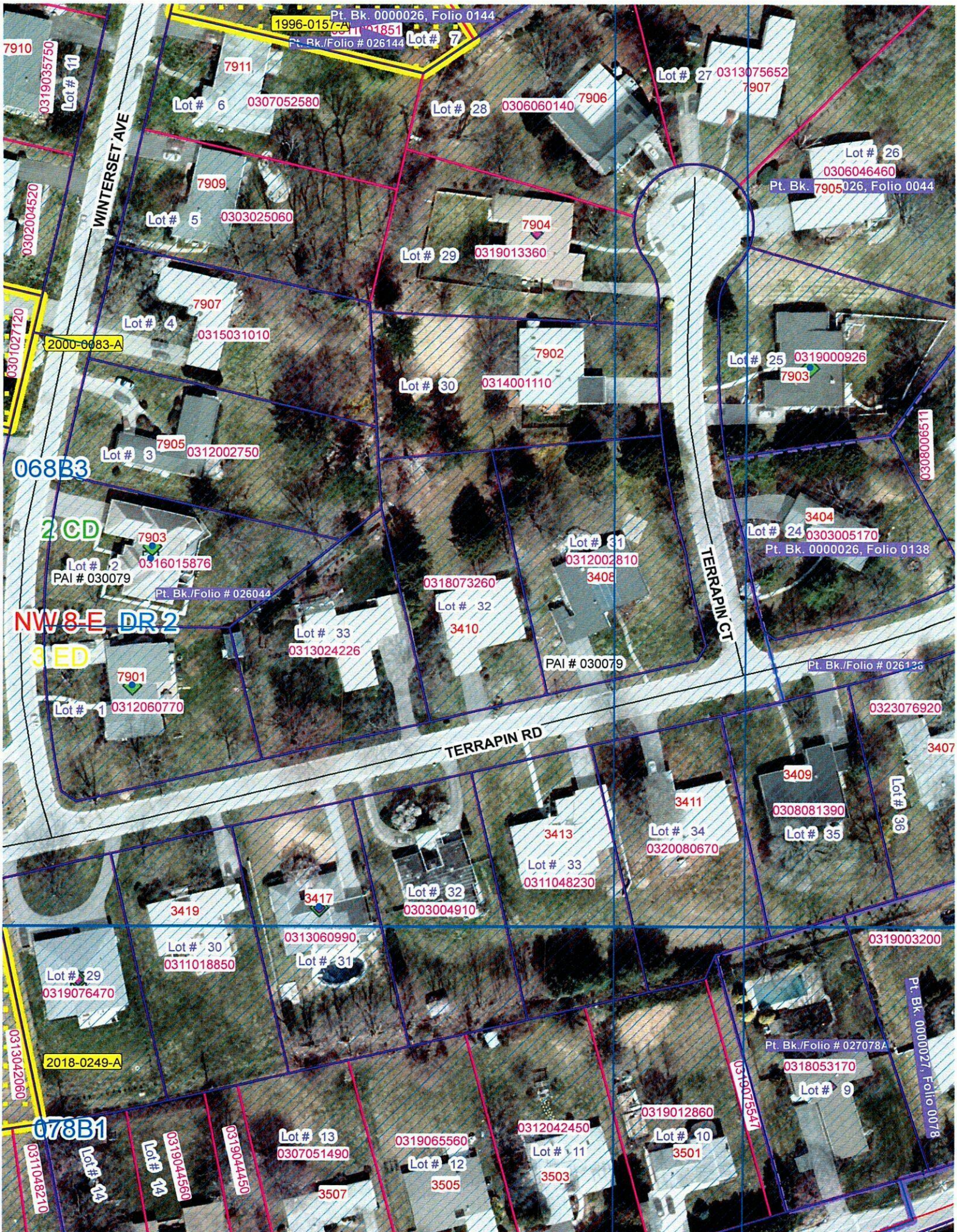
2024-0259-A

PHOTO #1 3410 TERRAPIN RD



2024-0259-A

PHOTO #2 3410 TERRAPIN RD.



Pt. Bk. 0000026, Folio 0144

1996-0157-A

Lot # 7

Pt. Bk./Folio # 026144

7910
0319035750
Lot # 11

0302004520

0301027120

2000-0683-A

068B3

2 CD

NW 8-E DR 2

3 ED

078B1

Lot # 6 7911 0307052580

Lot # 5 7909 0303025060

Lot # 4 7907 0315031010

Lot # 3 7905 0312002750

Lot # 2 7903 0316015876

PAI # 030079

Pt. Bk./Folio # 026044

Lot # 1 7901 0312060770

Lot # 29 7904 0319013360

Lot # 30 7902 0314001110

0318073260

Lot # 32 3410

Lot # 33 0313024226

Lot # 31 0312002810

3408

PAI # 030079

Lot # 24 3404 0303005170

Pt. Bk. 0000026, Folio 0138

Pt. Bk./Folio # 026135

0323076920

3407

Lot # 36 3409 0308081390

Lot # 35

Lot # 29 0319076470

Lot # 30 0311018850

Lot # 31 0313060990

Lot # 32 0303004910

Lot # 34 0320080670

Lot # 33 0311048230

3419

3417

2018-0249-A

0313042060

0311048210

Lot # 14 0319044560

Lot # 13 0319044550

Lot # 13 0307051490

Lot # 12 0319065560

Lot # 11 0312042450

Lot # 10 0319012860

Pt. Bk./Folio # 027078A

0318053170

Lot # 9

Pt. Bk. 0000027, Folio 0078

0319075541

3507

3505

3503

3501

PLAT TO ACCOMPANY PETITION FOR ZONING

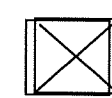
PROPERTY ADDRESS: 3410 TERRAPIN ROAD PIKESVILLE MD 21208

SUBDIVISION NAME: W TERRAPIN COURT DUMBARTON HEIGHTS
SECTION 4 BLOCK C

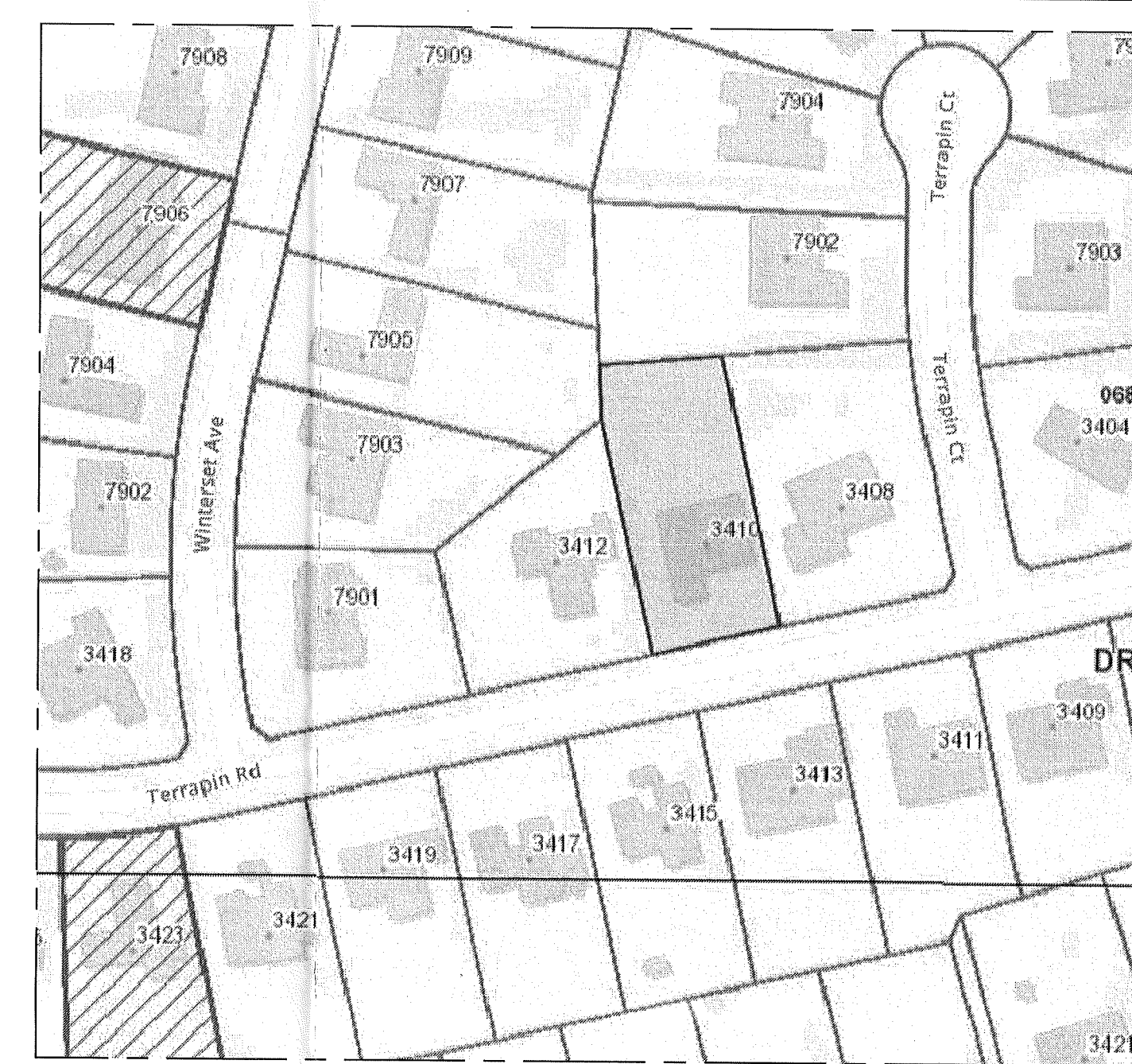
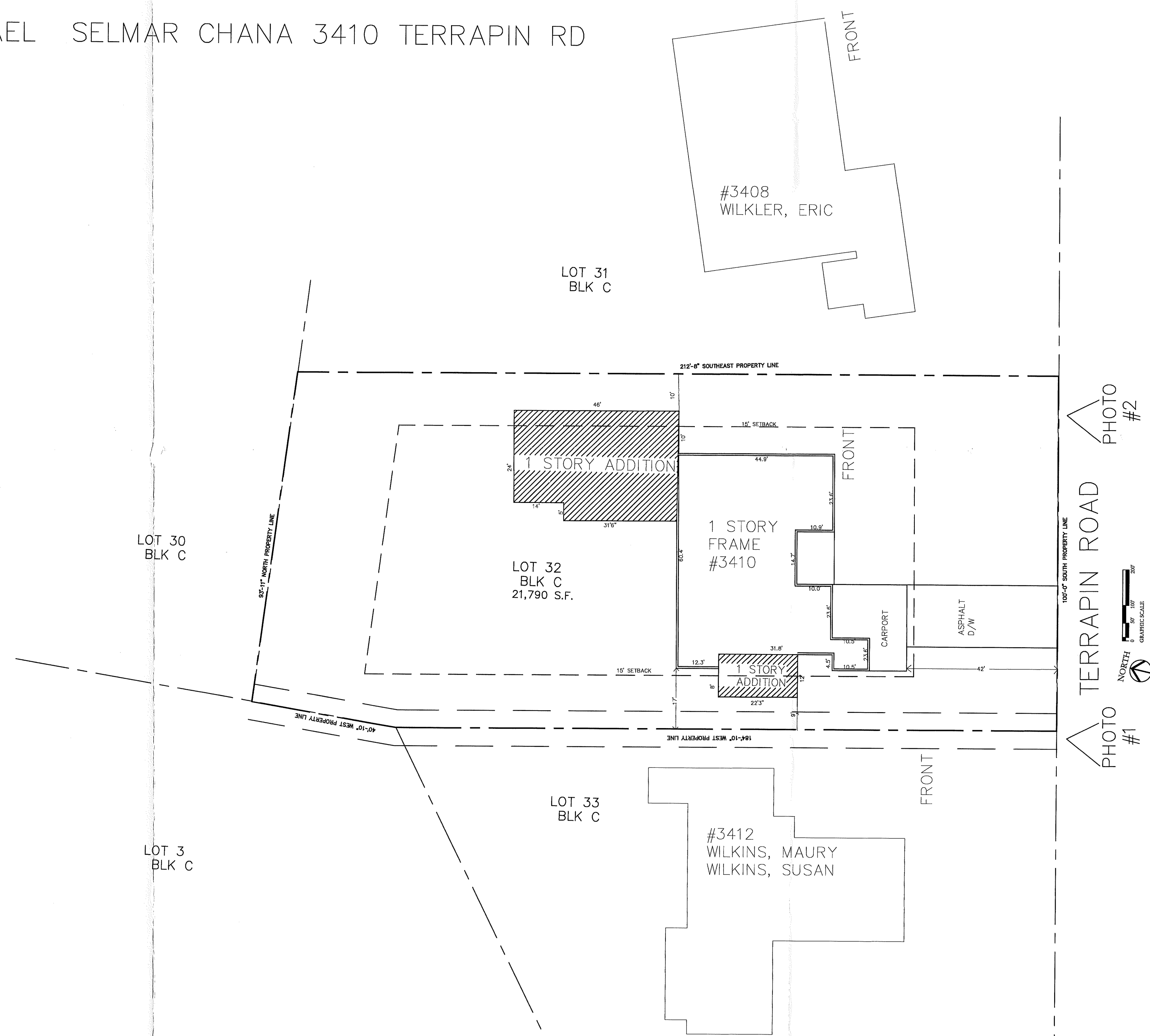
DEED REFERENCE; 49432 / 00164

OWNERS: SELMAR, MICHAEL SELMAR CHANA 3410 TERRAPIN RD

TAX ID 0318073260



ADMINISTRATIVE
VARIANCE



VICINITY MAP

Councilmanic District : 2

Election District: 3

1" = 200' scale map: 068B3

Zoning: DR 2

Lot Size: 20,928 SF

Sewer : PUBLIC

Water: PUBLIC

Chesapeake Bay Critical Area: No

100 Year Flood Plain : NONE
FEMA MAP:

Historic Property: No

Prior Zoning Hearings: None

Zoning Office Use Only		
reviewed by:	item #:	case #:

Drawing Title		
SITE PLAN		
1" = 20'-0"		
Drawing Number		
SITE		

ADDITION TO AN EXISTING DETACHED SINGLE FAMILY HOME
3410 TERRAPIN RD
PIKESVILLE, MD 21208

Date: 11-8-24		
Revisions		
No.	Date	Reference

DANIELS & ASSOCIATES
ARCHITECTS, Ltd.
1113 Ivy Hill Road
Cockeysville, MD 21030
Suite #100
(410) 560-3588

