



KATHERINE A. KLAUSMEIER
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

March 12, 2025

Lawrence E. Schmidt, Esquire – lschmidt@sgs-law.com
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petitions for Special Hearing & Variance
Case No. 2025-0011-SPHA
Property: Handy Avenue

Dear Mr. Schmidt:

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,

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dml
Enclosure

c: Craig Powell, Jr
Malcolm Khalil
William Grueninger
Steve Loffler

craig@brickandquillmd.com
goldengooseproperties@gmail.com
bgrueninger@glwpa.com
stevloffler@gmail.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(Handy Avenue)	*	OFFICE OF
1 st Election District		
1 st Council District	*	ADMINISTRATIVE HEARINGS
BHG Ventures, LLC		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No: 2025-0011-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as Petitions for Special Hearing and Variance filed by the legal owner, BHG Ventures, LLC (“Petitioner”) for the property located at Handy Avenue (the Property”). The Petition for Special Hearing was filed under Baltimore County Zoning Regulations (“BCZR”), Section 500.7 to allow a proposed single family detached dwelling on a separate non-conforming lot of record 50 ft. wide (in lieu of the required 55 ft.) as shown on the plan to accompany the petitions for zoning relief. Variance relief was requested from BCZR Section 1B02.3.C (small lot table) to allow a lot width of 50 ft., in lieu of the required 55 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on March 10, 2025. The Petitions were properly advertised and posted. Steven Loffler, of BHG Ventures, LLC, the Petitioner, appeared in support of the Petition, along with William Grueninger, who prepared and sealed a site plan (the “Site Plan”). (Pet. Ex. 2). Lawrence Schmidt, Esquire and Jason Vettori, Esquire of Smith, Gildea and Schmidt represented the Petitioner. There were no interested citizens or protestants that appeared at the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), Development Plans Review (“DPR”)/Department of Public Works and

Transportation (“DPWT”), these agencies did not oppose the requested relief.

Petitioner’s Case

The Property is approximately 7,500 acres and is zoned DR 5.5. Mr. Schmidt proffered the case and explained that the vacant subject property consists of Lot 138 of the Douglas Park Record Plat recorded in 1924. He noted that the 50-foot width of the subject property is consistent with that of the other lots in the Record Plat. (Pet. Ex. 3) Photographs of the site were entered into evidence (Pet. Ex. 11) which revealed that the lot was, until recently, overgrown with mature trees. A newly installed driveway exists on the neighboring property, 1006 Handy, which does not encroach on the subject property. While there are allegations that a garage once existed on the subject property, no such garage exists presently, nor is there any existing roadway or driveway that would have led to it. Additionally, it appears that mature trees block the most logical path to where such a garage may have existed. Mr. Schmidt explained further that the proposed dwelling for the subject site will meet all of the setback, height and area requirements of the DR.5.5 with the exception of the 55-foot lot width requirement.

MERGER

Based on the evidence presented during the hearing for this matter, I find that no testimony or documentary evidence has been offered that will support the premise that 1006 Handy has merged with the subject property. Accordingly, I find that the subject property is a separate and discrete building lot. *See Mueller v. People’s Counsel for Baltimore County*, 177 Md. App. 43 (2007). As stated in *Remes v. Montgomery County*, 387 Md. 52, 874 A.2d 470 (2005), , "merger may be derived from the common owner's intent, as evidenced by `integrat[ing] or utiliz[ing] the contiguous lots in the service of a single structure or project...." *Id.* at 66, 874 A.2d 470 (citing *Friends of Ridge v. Baltimore Gas Elec. Co.*, 352 Md. 645, 658, 724 A.2d 34 (1999)). In this

matter, no such evidence of the previous owner's intent was produced nor was evidence of present conditions that would allow for an inference regarding such intent. Additionally, as a matter of clarification, Mr. Vettori explained that the deed reference numbers on SDAT documents for 1006 Handy and the subject property are erroneously listed. (Pet. Ex. 4-6) These deed reference numbers actually involve ground rents for properties with no nexus to the case at bar. (Pet. Exs. 7-10) Mr. Vettori explained that corrective deeds have been recorded to remedy this misnomer and the site plan has been updated to include the correct deed references. (Pet. Exs. 9-10) He further explained that it will take some time before SDAT records catch-up with this correction.

VARIANCES

In light of the evidence presented, I believe that variance relief pursuant to BCZR, § 304 is the appropriate avenue to resolve this matter. *Muller v People's Counsel*, 177 Md. App 43 (2007) (discussing the application of § 304.1). In reviewing this code section, it is clear that the Petitioner satisfied the following requirements set forth in BCZR, Section 304.1:

1. The lot was created long before 1955.
2. The proposed dwelling would be constructed in compliance with setback height and area requirements of the DR 5.5 regulations; and
3. The owner does not own sufficient adjoining land to satisfy the lot width requirement.

Accordingly, the requested variance relief will be granted.

IT IS THEREFORE ORDERED this 12th day of **March, 2025** by this Administrative Law Judge, that the Petition for Special Hearing from the BCZR, Section 500.7 to allow a lot width of 50 ft. in lieu of the required 55 ft., and it is **MOOT**

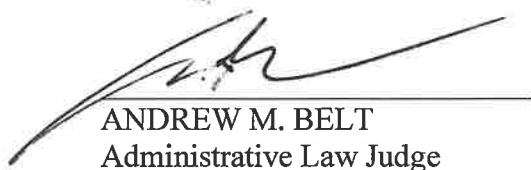
IT IS FURTHER ORDERED, that the Petition for Variance from the BCZR Section 1B02.3.C (small lot table) to allow a lot width of 50 ft., in lieu of the required 55 ft., be and is

hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is 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, Petitioner would be required to return the subject property to its original condition.
2. The Site Plan (Pet. Ex. 2), a copy of which is attached hereto, is incorporated herein.

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



KATHERINE A. KLAUSMEIER
County Executive

C. PETE GUTWALD, AICP
*Director, Department of Permits,
Approvals and Inspections*

NOTE TO FILE

Administrative Law Judge,

RE: Handy Ave and 1006 Handy Ave (Tax No's. 0108001781 and 0108000950)

Case No's 2025-0010-SPHA and 2025-0011-SPHA

The Petitioner is requesting multiple variances. One of the variances is to allowed a 50 ft lot width in lieu of the required 55 ft lot width.

It is the opinion of the Zoning Office that a ruling be made to determine if the two properties have been merged due to the garage and the driveway built over the property line, therefore combining the properties into one. In addition, the existing dwelling at 1006 Handy Ave is using 5 ft of the Handy Ave vacant lot to meet the 55 ft lot width requirement. A deficiency in the existing lot may not be created when creating a new lot for the purpose of construction.

There is also a question regarding the Maryland State Tax Assessments (SDAT) and the recorded deed. The Property Land Area and the Legal Description do not match the submitted site plans for both cases. It is the opinion of the Zoning Office that the site plan be revised to show the properties accurately prior to a decision by the Administrative Law Judge.

Thank You

Christina Frink
Zoning
410-887-3391

ATTACHMENT TO PETITION FOR PUBLIC HEARING(S)

Handy Avenue
1st Councilmanic District
7th Election District

Variance from BCZR Sec. 1B02.3.C (Small lot table):

1. To allow a lot width of 50 feet in lieu of the required 55 feet.
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Special Hearing Relief:

1. To allow a proposed single family detached dwelling on a separate non-conforming lot of record 50 feet wide (in lieu of the required 55 feet) as shown on the plan to accompany these petitions for zoning relief.
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.



LOT 138

ZONING DESCRIPTION

Zoning description for: Handy Avenue (No house number available)

Beginning at a point on the west side of Handy Avenue which is 40 feet wide at a distance of 276.1 feet north of the centerline of the nearest improved intersecting street Rich Avenue which is 40 feet wide.

PROPERTY DESCRIPTION

(SUBDIVISION LOT – LOT IS PART OF A RECORD PLAT)

Being Lot # 138, (No designated block or section numbers) in the subdivision of "Douglas Park" as recorded in Baltimore County Plat Book # WPC 7, Folio # 170, containing 7,500 square feet or 0.1722 ac. Located in the 1st Election District and the 1st Council District.

**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: 2025-0011-SPHA
Property Address: Handy Avenue
Legal Owners (Petitioners): BHG Ventures LLC
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): BHG Ventures LLC
Address: 3919 National Drive Suite 310
Burtonsville, MD 20866

Telephone Number: (301) 476-7700

*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.

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

No. **235073**

Date: 1-16-2025

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					150.00
Total:									150.00

Rec From: Handy Ave

For: 2025-0011-SPHA

JRS

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION
 CP 241177

SMITH, GILDEA & SCHMIDT, LLC
 IOLTA ACCOUNT
 600 WASHINGTON AVENUE, SUITE 200
 TOWSON, MARYLAND 21204


First National Bank
 60-1809/433

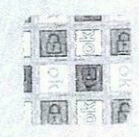
5838
 Dec 30, 2024

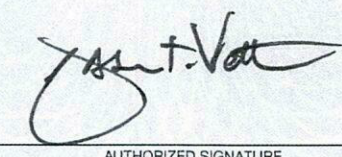
PAY TO THE ORDER OF Baltimore County, MD

*** One Hundred Fifty *****

\$ 150.00
 00/100 DOLLARS

Baltimore County, MD




 AUTHORIZED SIGNATURE

MEMO



SMITH, GILDEA & SCHMIDT, LLC - IOLTA ACCOUNT

5838

Date: Dec 30/24 Amount \$150.00 Baltimore County, MD - Zoning Petition Filing Fee
 Paid to: Baltimore County, MD
 Matter No. 4861-001 BHG Ventures LLC
 Re: BHG Ventures, LLC - 1006 Handy Ave

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 2/17/2025

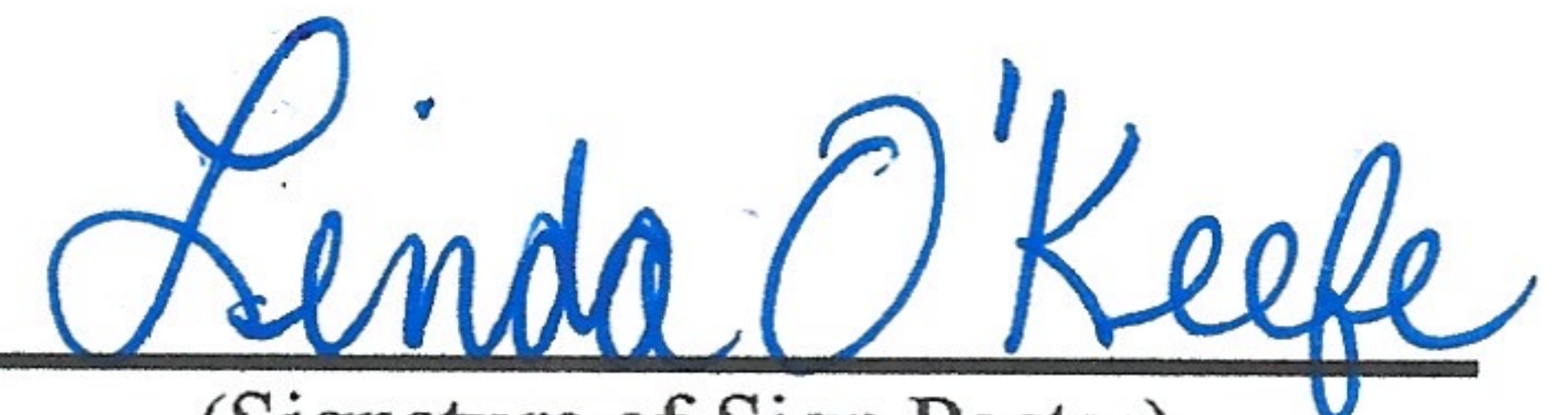
Case Number: 2025-0011-SPHA

Petitioner / Developer: SMITH, GILDEA & SCHMIDT, LLC ~
BHG VENTURES, LLC

Date of Hearing: MARCH 10, 2025

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

The sign(s) were posted on: FEBRUARY 17, 2025



(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

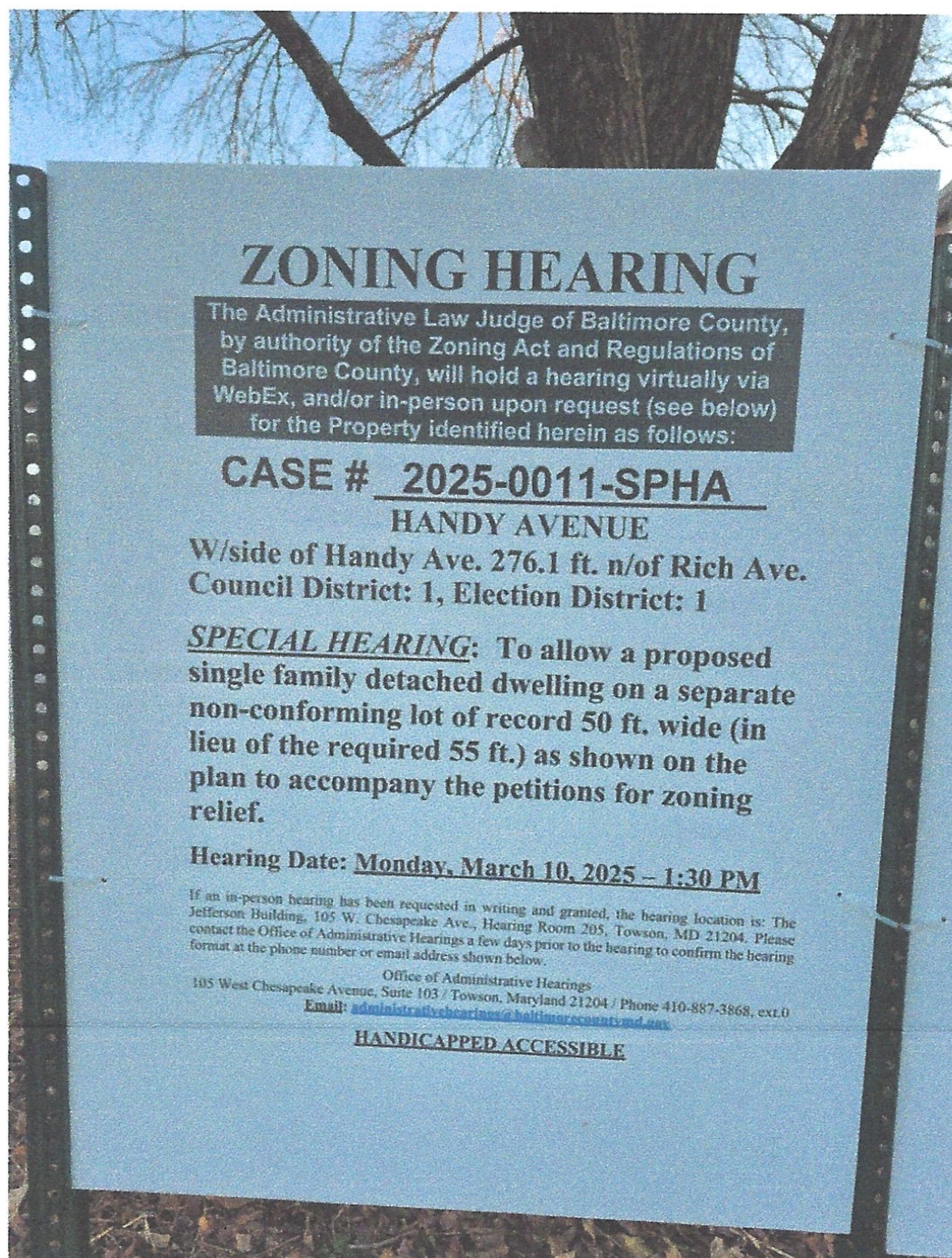
(Street Address of Sign Poster)

Hunt Valley, MD 21030

(City, State, Zip of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)



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: January 31, 2025

SUBJECT: DEPS Comment for Zoning Item # 2025-0011-SPHA
Address: HANDY AVENUE
Legal Owner: BHG Ventures, LLC

Zoning Advisory Committee Meeting of January 31, 2025.

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: January 27, 2025

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2025-0011-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: 2/3/2025

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2025-0011-SPHA

INFORMATION:

Property Address: Handy Avenue
Petitioner: BHG Ventures LLC
Zoning: DR 5.5
Requested Action: Special Hearing/Variance

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

Variance(s) from BCZR Sec. 1B02.3.C (small lot table) -

1. To allow a lot width of 50 feet in lieu of the required 55 feet.
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Special Hearing -

1. To allow a proposed single family detached dwelling on a separate non-conforming lot of record 50 feet wide, in lieu of the required 55 feet as shown on the plan to accompany these petitions for zoning relief.
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

The proposed site is a 0.1722-acre property zoned DR 5.5. The site is located in a predominately residential area. The applicant proposes to approve a residential dwelling on a lot that is deficient in setbacks and lot width.

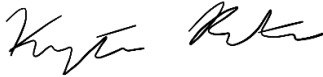
This site is currently vacant. The access will be from Handy Avenue. Zoning has requested that a ruling be made to determine if the two properties, Handy Ave and 1006 handy Ave (Tax No's. 0108001781 and 0108000950), have been merged due to the garage and driveway built over the property line, thus combining the properties into one. In addition, the existing dwelling at 1006 Handy Avenue is using 5 ft of the Handy Avenue vacant lot to meet the 55 ft lot width requirement. A deficiency in the existing lot may not be created when creating a new lot for the purpose of construction. The submitted site plans for ZAC # 2025-0010-SPHA and 2025-0011-SPHA show the correction of 1006 Handy Avenue using 5ft of the adjacent property which ultimately left both properties in need of relief.

The subject property is not in contrast to the existing character of the neighborhood. All the surrounding lots are narrow and mildly deep. The existing lots create a defined, uniformed street edge and do not appear to disrupt the defined community character. If/when it is determined whether a merger has occurred, if deemed not, Planning has no issue to allow a proposed single family detached dwelling on a separate non-conforming lot of record coupled with the requested zoning relief. The Department of Planning does not oppose the above requests conditioned upon the following:

1. All required easements for encroachment of the existing garage and possibly the driveway on to the neighboring property is established and recorded unless the petitioner of 1006 Handy Avenue has plans to raze the accessory structure or alter driveway location.
2. Unless a hardship exist, Planning would like to see the proposed dwelling move forward to align with and continue the uniformed street edge. Confirm with the Office of Zoning Review if Baltimore County Zoning Regulation section 303.1 for front yard averaging will apply for this development.
3. All other Baltimore County Zoning Regulations for DR 5.5 zoned property are met.
4. Any additional relief deemed necessary by the Administrative Law Judge.

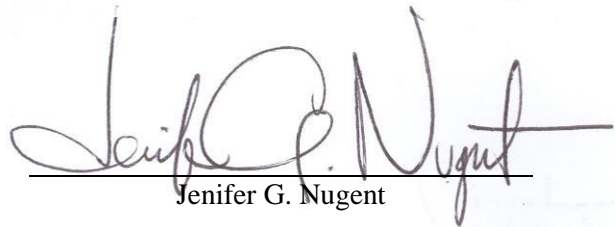
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Lawrence E. Schmidt
Abigail Rogers, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



Lot # 135

1012

0113007931

Lot # 145

Lot # 135

0103231432

0113007930

Lot # 144

Lot # 137

2010-0257-A

0103232390

0104501012

Lot # 143

Pt. Bk./Folio # 007170

Lot # 138

Pt. Bk. 0009007 Folio 0170

PAI # 018018

0108001781

PAI # 018018

DR 5.5

1 ED

SW 2-G

094C3

1 CD

0108001780

Lot # 142

Lot # 139

0108000950

1006

HANDY AVE

Lot # 141 0125000260

Lot # 140

0102571110

1004

Lot # 37 0125000120

Lot # 38 0106451370

Lot # 39

0106451371

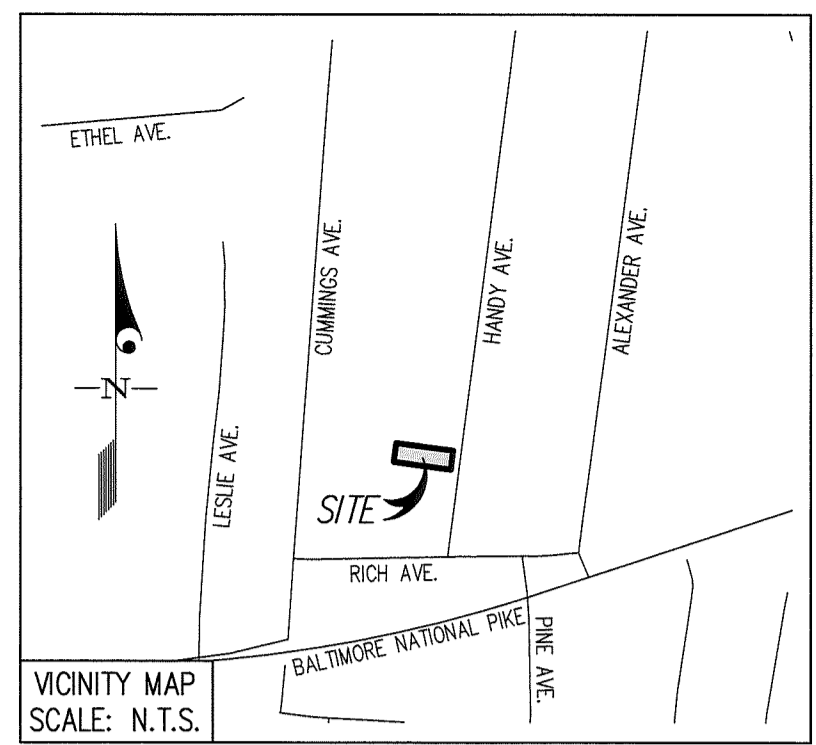
DIL-SAHA

Zoning Hearing Plan for Variance (X) for Special Hearing (X) Mark Type Required with (X)

Address 1008 Handy Avenue Owner(s) Name(s) BHG Ventures, LLC

Subdivision Name Douglas Park Lot# 138 Block# N/A Section# N/A

Plat Book# WPC 7 Folio# 170 10 Digit Tax# 0108001781 Deed Reference# 49830-120



Zoning Map # 094C3

Zoning DR 5.5

Election District 1st

Council District 1st

Lot Area Acreage 0.1722 ac.

Lot Square Footage 7,500 sq.ft.

Historic (Yes or No) No

CBCA (Yes or No) No

Flood Plain (Yes or No) No

Utilities - Mark with (X)

Water is:

Public X Private

Sewer is:

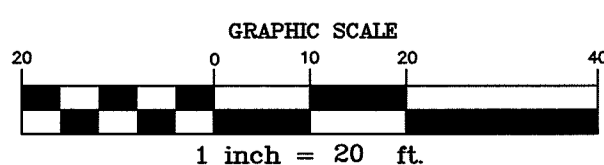
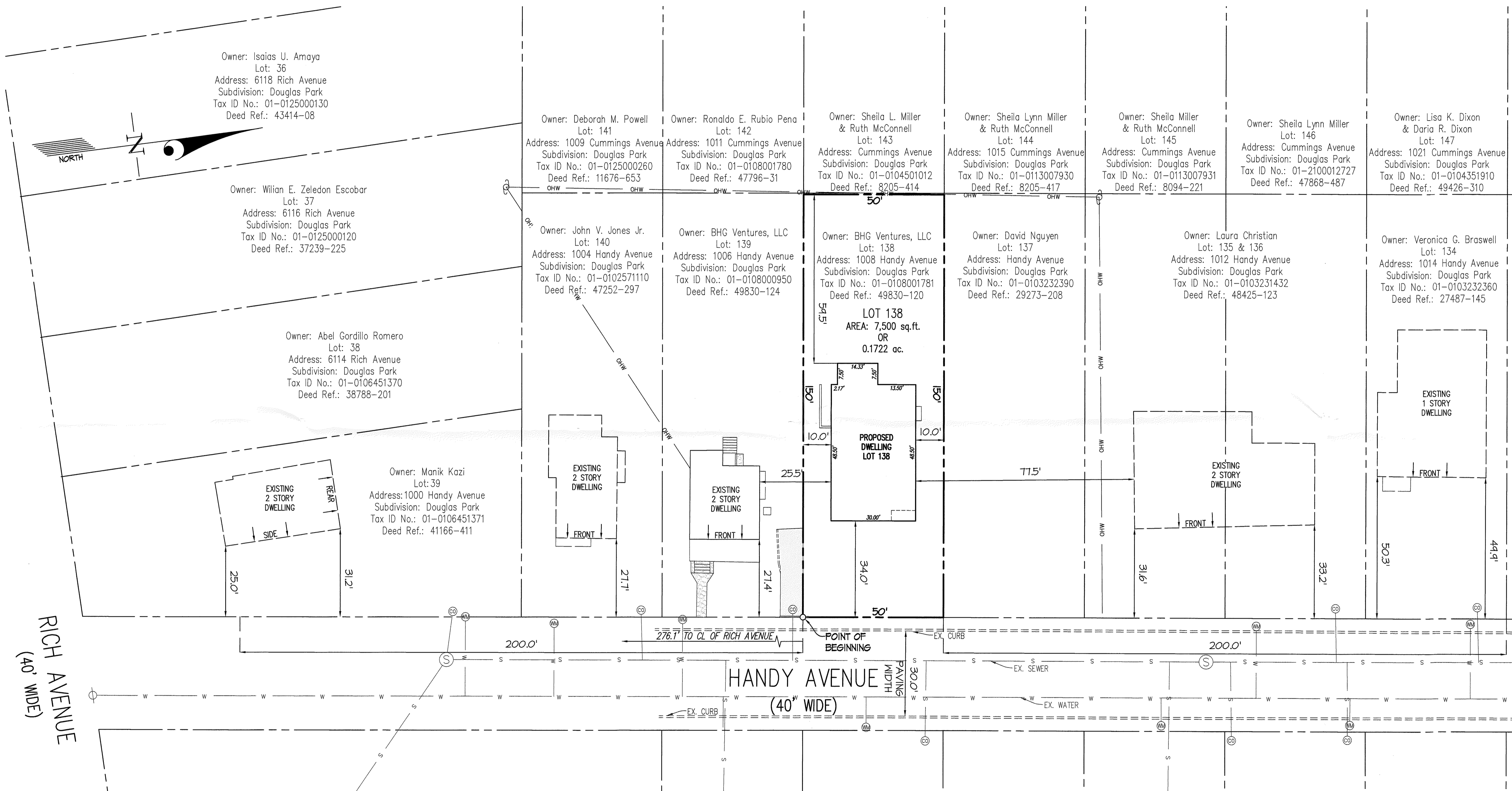
Public X Private

Prior Hearing (Yes or No) No

If (Yes) list Case Number(s)

and order result(s) below:

Violation Case Number(s)



3909 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20886 | GLWPA.COM
PHONE: 301-421-4024 | BALT: 410-880-1820 | DC&VA: 301-989-2524 | FAX: 301-421-4186

PLAN TO ACCOMPANY
ZONING PETITIONS
LOT 138
"DOUGLAS PARK"
DATE: JANUARY 31, 2025

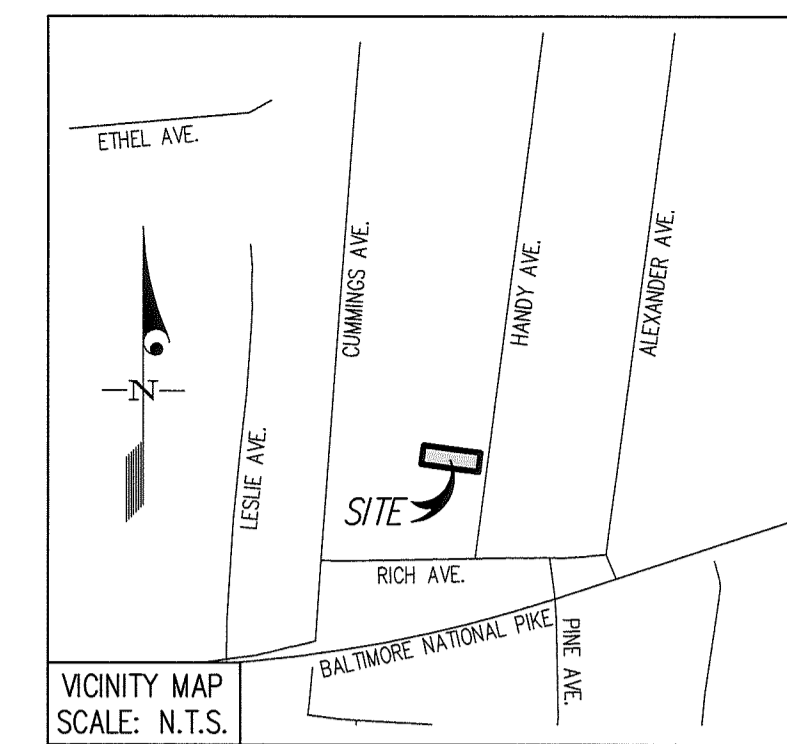
2025-2011-SPHA

Zoning Hearing Plan for Variance (X) for Special Hearing (X) Mark Type Required with (X)

Address 1006 Handy Avenue Owner(s) Name(s) BHG Ventures, LLC

Subdivision Name Douglas Park Lot# 139 Block# N/A Section# N/A

Plat Book# WPC 7 Folio# 170 10 Digit Tax# 0108000950 Deed Reference# 49830-124



Zoning Map # 094C3

Zoning DR 5.5

Election District 1st

Council District 1st

Lot Area Acreage 0.1722 ac.

Lot Square Footage 7,500 sq.ft.

Historic (Yes or No) No

CBCA (Yes or No) No

Flood Plain (Yes or No) No

Utilities - Mark with (X)

Water is:

Public X Private _

Sewer is:

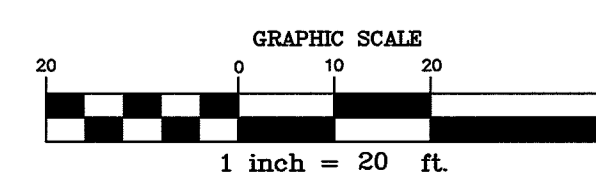
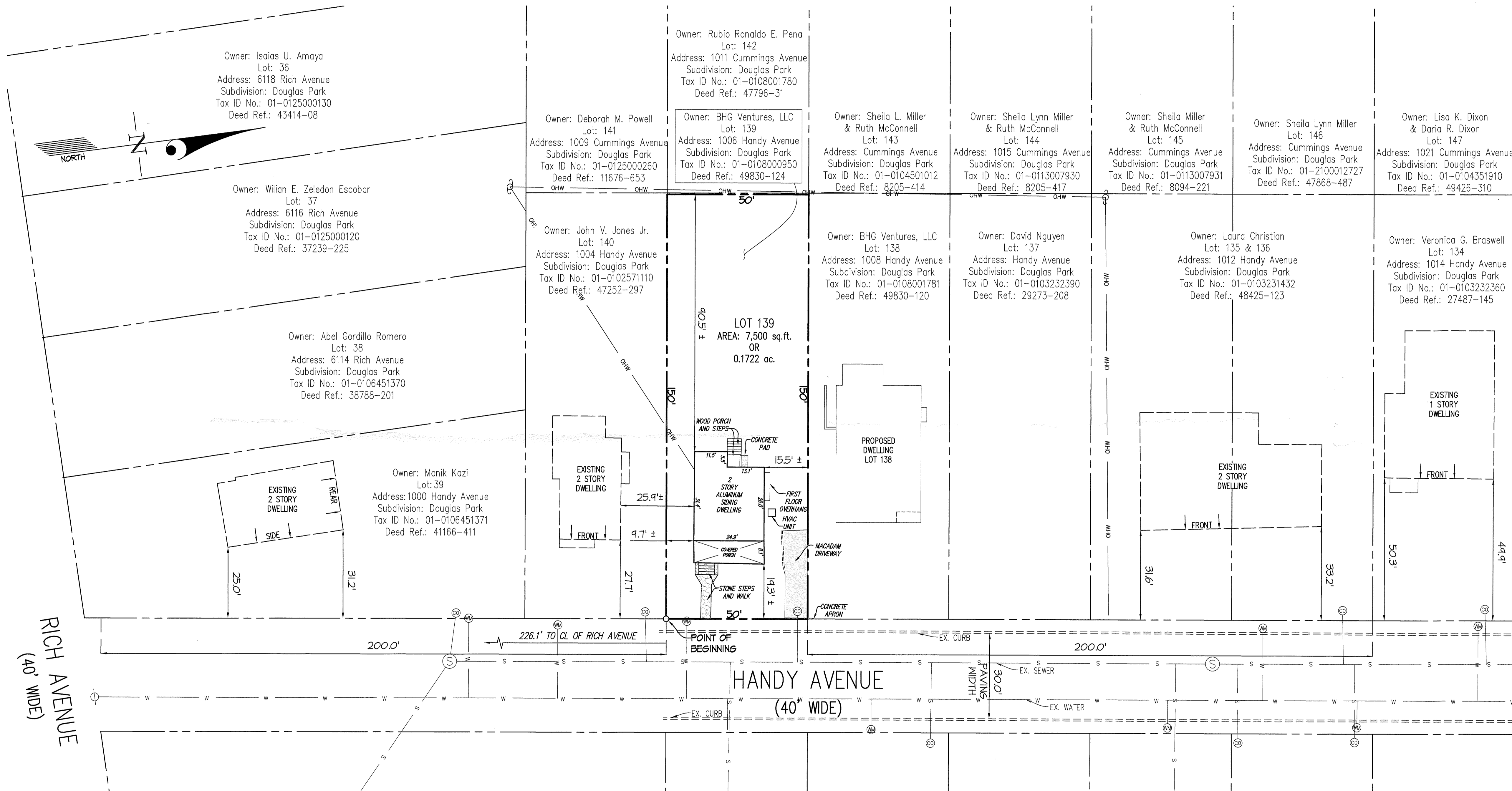
Public X Private _

Prior Hearing (Yes or No) No

If (Yes) list Case Number(s)

and order result(s) below:

Violation Case Number(s)



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3909 NATIONAL DRIVE | SUITE 250 | BURTONSVILLE, MD 20886 | GLWPA.COM
PHONE: 301-421-4024 | BALT: 410-880-1820 | DC&VA: 301-989-2524 | FAX: 301-421-4188

PLAN TO ACCOMPANY
ZONING PETITIONS
LOT 139
"DOUGLAS PARK"
DATE: JANUARY 31, 2025

2025-0010 - SPHA