

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and

Inspections of Baltimore County, this 12TH day of APRIL, 2018,

that DAVID FOGLE AND/OR JOHN MILLER located at
(Individual or business name)

207 S. ROLLING ROAD should be and the
(Street address)

same is hereby granted permission to operate an IN-LAW APARTMENT

FROM 4/12/18 THROUGH 4/12/20.

168822

Permit (or Receipt) Number



Director, Permits, Approvals and Inspections

Planner's Initials: JS

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
(207 South Rolling Road)
1st Election District * OFFICE OF ADMINISTRATIVE
1st Council District * HEARINGS FOR
David A. Fogle & John P. Miller * BALTIMORE COUNTY
Petitioners *
* CASE NO. 2018-0088-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, David A. Fogle and John P. Miller ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed addition to the rear of the dwelling with a 10 ft. side and a 34 ft. rear yard setback in lieu of the required 15 and 40 ft. respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. No adverse ZAC comments were received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 1, 2017, 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 affidavits as required by Section 32-3-303 of the Baltimore County Code ("B.C.C."). 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

ORDER RECEIVED FOR FILING

Date 10-20-17

By 123

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 B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

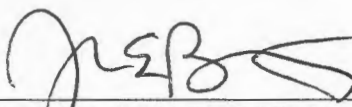
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 20th day of **October, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed addition to the rear of the dwelling with a 10 ft. side and a 34 ft. rear yard setback in lieu of the required 15 and 40 ft. respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.

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


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

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By dlw

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 18th day of March 2018, by and between David A. Fogle and John P. Miller (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

A. The Declarants who are also the owners of this property have filed an application for a use permit and special hearing to add an addition to their current residence for the purpose of an in-law suite. The suite will consist of a living room, kitchen / dining room, office/den, bedroom, powder room, utility room and full bathroom. The proposed addition will be attached to the current garage and workout room.

The property being located at 207 S Rolling Road, Catonsville Maryland 21228 and is more particularly described by metes and bounds in **Exhibit A** (The Property) and **Exhibit B** (The use permit) attached hereto and made a part hereof. The property is zoned DR2, which is the particular zone in which the property is located.

B. PAI (or) The Administrative Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory apartment will be the housing for Carole A Fogle (age 78), mother and mother-in-law of the owners. The other residents of the property are Joshua Miller-Chesnut (age 15) and Calvin Miller-Chesnut (age 14), sons of the owners who live in the current residence. The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.

C. As a condition of approval of the Declarants request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PIA.

Declarations

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarants and PIA hereby declare as follows:

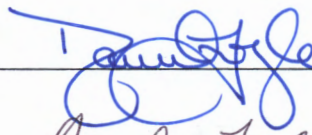
1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only the immediate family member(s) listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are

subject to the order, conditions or restrictions of any required zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in Land Records.

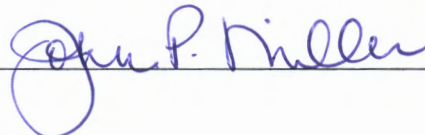
2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.
3. Upon use permit termination:
 - A. In the Accessory Apartment in the principal dwelling, use permit termination requires removal of the second kitchen and the former Accessory Apartment space to be occupied by the Declarant(s) or subsequent purchaser.
 - B. The Declarant(s) upon termination of the use permit will provide written notification to PAI for the closing of the Department file.
4. The covenants, conditions, and restrictions stated above shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the Property.
5. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS:



Carole Fogle



John P. Miller

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this day of 2018, before the Subscriber, a Notary Public of State of Maryland, personally appeared David Fogle, John Miller, & Carole Fogle.

The declarant(s) herein, who is/are also the owner(s) of this property, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and who acknowledged that he/she/they executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

My Commission Expires: 11/22/21



Notary Public

DECLARATION EXHIBIT A

ZONING PROPERTY DESCRIPTION FOR 207 SOUTH ROLLING ROAD, CATONSVILLE MARYLAND 21228

PART A

Beginning at a point on the North East Side of Rolling Road which is 50 feet wide at a distance of 20 feet North West of the centerline of the nearest improved intersecting street of Fairfield Drive which is 40 feet wide. IE. North corner of intersection.

PART B

BEING Lot #(11 & 12), Section # (E), in the subdivision of Summit Park as recorded in Baltimore County Plat Book #(8), Folio #(75), containing 24,178 SF. Located in the (1) Election District and (1) Council District.

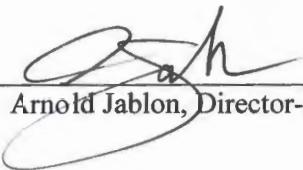


The Declaration of Understanding for the Accessory Apartment at:

207 S. Rolling Road, Catonsville Maryland 21228

Address of property

is approved:


Arnold Jablon, Director-PAI

3/30/18
Date

DECLARATION EXHIBIT B

Plan Note Certifications:

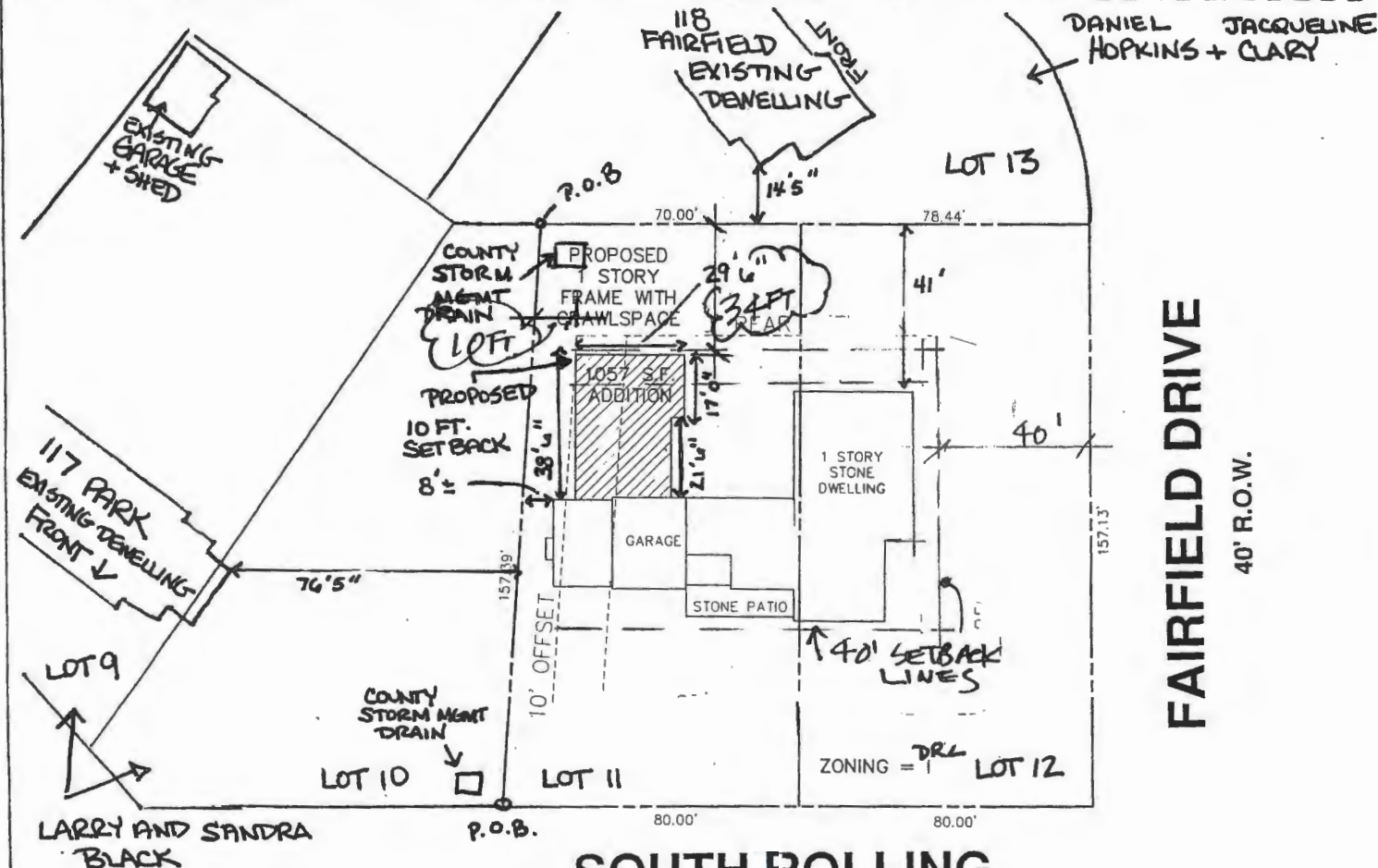
1. Any and all improvements to be dedicated as an accessory apartment will be used solely as a single-family residence.
2. Attached floor plans with dimensions, dedicated bathing and cooking facilities noted.
3. ~~The apartment will not have separate utility meters for water or gas and electric.~~
4. Accessory Apartment Size:
 - a. New proposed addition = 1,057 SQ FT
 - b. Total Floor Area of Current Residence = 3,331 SQ FT
 - c. 1/3 Total Floor Area of Current Residence = 1,110 SQ FT
 - d. Proposed Addition is less than the 2,000 SQ FT Maximum
 - e. Proposed Addition is less than 1/3 the Total Floor Area of the Current Residence

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 207 South Rolling Rd, MD 21228 OWNER(S) NAME(S) David A Fogle & John P Miller

SUBDIVISION NAME Summit Park LOT # 11&12 BLOCK # _____ SECTION # E

PLAT BOOK # 0008 FOLIO # 0075 10 DIGIT TAX # 01 045 00 940 DEED REF. # 35 160 / 00 133



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 0101 A2

SITE ZONED DR 2

ELECTION DISTRICT 1

COUNCIL DISTRICT 1

LOT AREA ACREAGE _____

OR SQUARE FEET 24,178 SF

HISTORIC? No

IN CBCA? No

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? No

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

YES, 2018-0088-A

VARIANCE GRANTED

FOR SIDE + REAR

SETBACKS

VIOLATION CASE INFO:

NO



NOTE: TYPICAL DIMENSIONS ARE TO CENTER LINE OF STUDS

