MEMORANDUM

DATE:

November 21, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

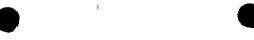
Case No. 2018-0088-A- Appeal Period Expired

The appeal period for the above-referenced case expired on November 20, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: 🗸

Case File

Office of Administrative Hearings



IN RE: PETITION FOR ADMIN. VARIANCE (207 South Rolling Road)

1st Election District
1st Council District
David A. Fogle & John P. Miller

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0088-A

OPĬNION 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

Date 10-20-17	ORDER	RECEIVED FOR FILING
	Date	10-20-17
Bv	l≅ν	(0,0)

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 <u>20th</u> 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.

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	REC	EIVED	FOR	FILING	

Date 10-20-17

By DO

2





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 207 South Rolling Road, Catonsville Maryland 21228 Currently zoned DR 2 10 Digit Tax Account # 0 1 0 4 5 0 0 9 4 0 35160 00133

Deed Reference Owner(s) Printed Name(s) David A Fogle and John P Miller

(SELECT THE HEARING(S) BY MARKING \underline{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. X ADMINISTRATIVE VARIANCE from Section(s) 1B02.3.C.1 of BCZR to permit a proposed addition to the rear of the dwelling with a 10 feet side and a 34 feet rear yard setback in lieu of the required 15 and 40 feet respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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 Baltimore County Code, to the development 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): David A Foolo

Representative to be contacted:

David A F	ogie	1	III P IVII		
Name #1 - Type	or Print	Nam	e#2-T	pe or Print	
Tours	okle	120	pn P	Mille	_
Signatule #1 207 South R	olling Road	Sign	alure # 2	Maryland	
Mailing Address	Jiii 19 1 10 11	City		State	
21228	410-627-45	17	, davi	dfogle7@gma	iil.cor
Zip Code	Telephone	#	Email	Address	V

John D Millor

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

David Fogle RECEIVED FOR FILING Name - Type or Print Name- Type or Print Signature Maryland 207 South Rolling Road Catonsville OF Marting Address State Mailing Address City State davidfogle7@gmail.com 21228 410-627-4517 **Email Address** Zipcode Telephone # Zip Code Email Address Telephone #

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore 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 2018-0088-A Filling Date 929

201) Estimated Posting Date 0/0/1/ Reviewer_







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:	207 South Rolling Road	Catonsville	Maryland	21228
Addiess.	Print or Type Address of property	City	State	Zip Code
Administi	oon personal knowledge, the forative Variance at the above a	ddress. (Clearly st a	te <u>practical difficul</u>	ty or hardship here)
	erty is a 1950's stone rancher built or			
side of the	e property. We are only adjacent to the properties. A storm water manag	other properties on the I	left side and rear of the p	roperty. vve tace the
rear or bo	tn properties. A storm water manage and prevents us from fully utilizing the	e rear twenty five feet of	f the property due to water	er run off. The property
currently b	nas a 1950's left side addition with a	n 8 foot setback. We wo	ould like to request a 10 fo	oot setback for a new
addition b	uilt off of this section of the house se	o we can avoid building	too close to the storm wa	ter management system
and causi	ng water damage to the foundation	of the new addition, whi	le maintaining the ranche	r layout of the house.
The reque	ested variance will allow us to remain	n a comfortable distance	from the county storm w	ater management system
which sits	back ~6 feet from the left side of the	e property, ~8 feet from	the back of the property a	and ~10 foot from the
corner of	the property line.			н
				<u> </u>
		<u> </u>		
(If addi	itional space for the petition requi	est or the above stater	nent is needed, label an	id attach it to this Form)
Signature	of Owner (Affigurt)	• "	Signature of Owner (Affia	ant)
David A F	<u> </u>		John P Miller	
Name- Pri			Name- Print or Type	
	The following information is t	o be completed by a N	otary Public of the Stat	e of Maryland
STATE C	OF MARYLAND, COUNTY OF	F BALTIMORE, to v	vit:	
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Print name(s) h	nere: David A Co	gle à To	ha P Mille	
the Affian	t(s) herein, personally known or	satisfactorily dentified	Lto me as such Affiant(s).
AS WITN	ESS my hand and Notaries Seal			<u> </u>
		Notary Public		
		My Commission Exp	ires AFSHEEN ZAMA NOTARY PUBLI HOWARD COUN MARYLAND My Commission Expires	C TY REV. 5/5/2016





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.

CERTIFICATE OF POSTING

9 Date:

> Case Number: RE:

7-8800-8107

ear) PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,

RECIEIS A PUBLIC HEARING CONCERNING

THE PROPOSED VARIENCE, PROVIDED THE RECUEST IS

RECEIVED IN THE ZONING, REVIEW BUREAU BEFORE

BOO.P.M. OH INTORNATION IS AVAILABLE AT THE DEPARTMENT OF

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF

THE WEST CHESPERKE AVE. TOWSON, MD 27204, (413) 887-3391

THE WEST CHESPERKE AVE. TOWSON, MD 27204, (413) 887-3391

AND DEVELOPMENT OF UNITY OFFICE BUILDING,

TOWSON, MD 27204, (413) 887-3391

AND STORE WORE PRINCIPLE AVE. TOWSON, (413) 887-3391

AND PRINCIPLE AVE. TOWSON, MD 27204, (413) 887-3391

AND STORE OF THE STORE AND AVAILABLE AVERTOR PRINCIPLE BUILDING, (413) 887-3391

AND MOTOR OFFICE BUILDING.

BO NOT REMOVE THIS STORE AND AVAILABLE AVERTOR PERELLY OF LAW.

BO NOT REMOVE THIS STORE AND AVAILABLE AVERTOR PRINCIPLE.

sessary sign(s) required

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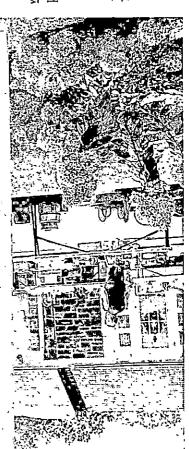
PUBLIC HEARING

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p Code of Sign Poster) AD 21120

ther of Sign Poster) 443



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case I	Number 2018-	0088 - A	Address	<u>207 S.</u>	Rolling Road
Conta	ct Person:				Phone Number: 410-887-3391
Filing	Date: 0	9/20/17	Posting Date:	10/01/17	Closing Date: <u>10/16/17</u>
Any c hroug	Planner, Please Print Your Name				
1.	reverse side o reposting must is again respo property on or	f this form) a t be done onl nsible for all	nd the petitioner is r y by one of the sign r associated costs. T	esponsible foosters on the zoning n	or all printing/posting costs. Any e approved list and the petitioner otice sign must be visible on the
2.	a formal requ	est for a pul	olic hearing. Please	understand	that even if there is no formal
3.	commissioner. order that the within 10 days whether the pe	He may: (matter be set s of the clos etition has be	 a) grant the requested in for a public hearing date if all Couren granted, denied, 	ed relief; (b) g. You will ro ty agencies'	deny the requested relief; or (c) eceive written notification, usually comments are received, as to
4.	(whether due commissioner) changed giving posted, certific	to a neighbo , notification g notice of the	or's formal request of will be forwarded to hearing date, time to hearing and a photogother.	or by order or you. The and location. raph of the a	of the zoning or deputy zoning sign on the property must be As when the sign was originally
Petitio	oner: This Par	t of the Form	is for the Sign Pos	ter Only	
		USE THE AL	MINISTRATIVE VAI	RIANCE SIG	N FORMAT
Case l	Number 2018-	0088	-A Address <u>207</u>	S. Rolling Ro	oad
Petitio	ner's Name: <u> [</u>	David Fogle	Telephone <u>4</u>	<u>10-627-4517</u>	,
Postir	ng Date:1	0/01/17	Closing	Date:	10/16/2017
Wordi			oposed addition to th in lieu of the required		

Revised 7/10/17

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KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

October 17, 2017

David A Fogle
John P Miller
207 South Rolling Road
Catonsville MD 21228

RE: Case Number: 2018-0088 A, Address: 207 South Rolling Road

To Whom It May Concern:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 20, 2017. This letter is not an approval, but only a NOTIFICATION.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 9/25/17

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 9/25/17. A field inspection and internal review reveals that an entrance onto 1006 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for

Arrance, Case Number 2018-0082-14
Administrature Variance
Sand A. Foghe & John P. Milber.
2017 Rolling Road.
MS166

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

Wendy Wolcott, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 11, 2017

Department of Permits, Approvals

And Inspections

MUL

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 2, 2017

Item No. 2018-0084-SPH, 0086-A, 0088-A and 0089-A

The Bureau of Development Plans Review has reviewed the subject zoning Items and we have no comments.

VKD: CEN cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE: September 27, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0088-A

Address 207 S. Rolling Road

(Fogle & Miller Property)

Zoning Advisory Committee Meeting of October 2, 2017.

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

Reviewer: Steve Ford Date: 9-27-2017



Inter-Office Correspondence

RECEIVED

SEP 2 7 2017

OFFICE OF ADMINISTRATIVE HEARINGS



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

September 27, 2017

SUBJECT:

DEPS Comment for Zoning Item

2018-0088-A

Address

207 S. Rolling Road

(Fogle & Miller Property)

Zoning Advisory Committee Meeting of October 2, 2017.

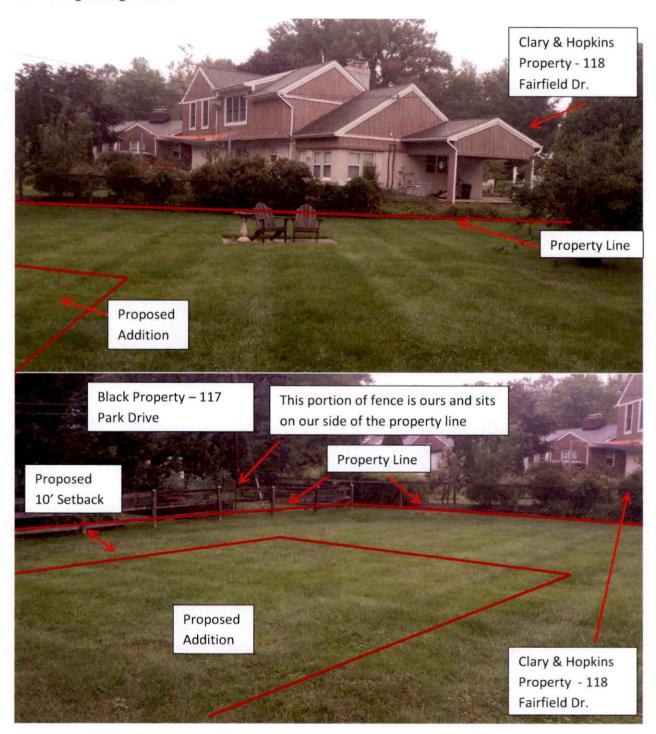
X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

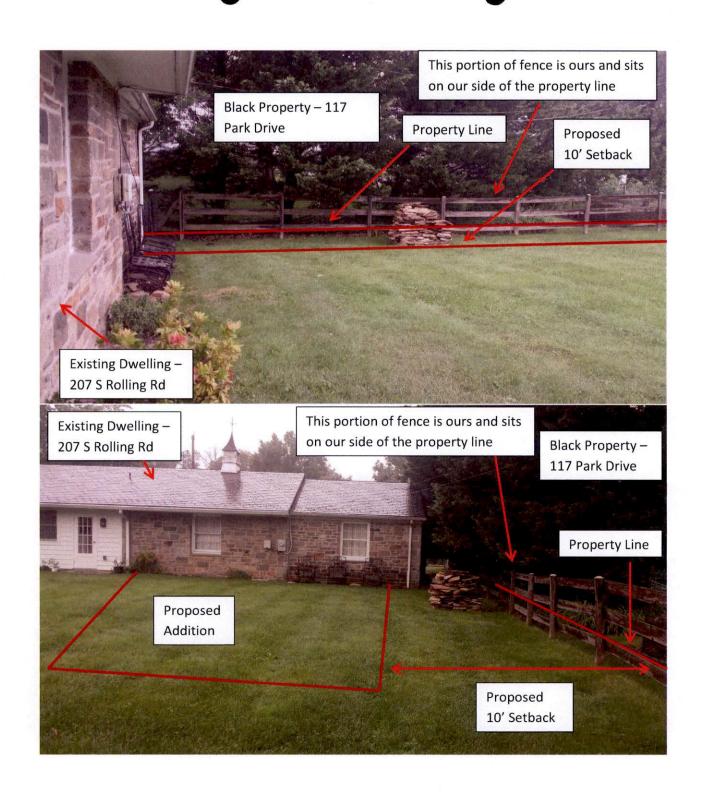
Reviewer:

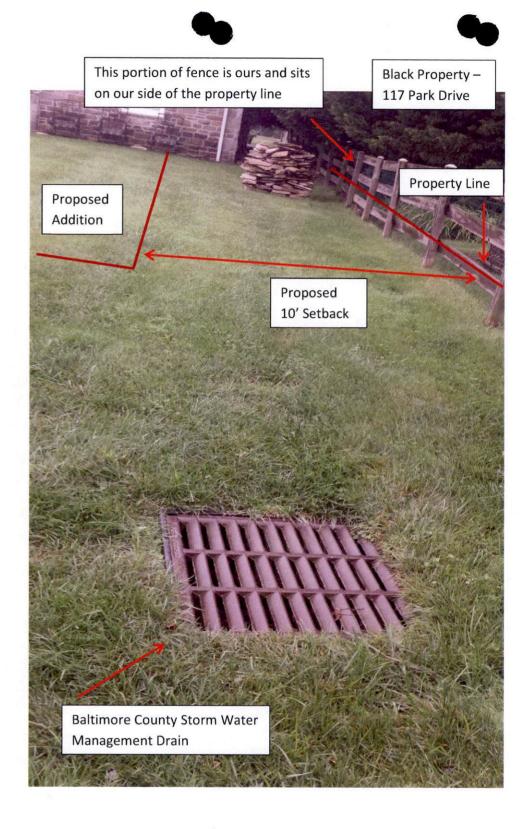
Steve Ford

Date: 9-27-2017

207 Rolling Zoning Pictures

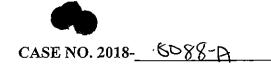












CHECKLIST

Comment <u>Received</u>	<u>Depar</u>	tment			Support/Oppose/ Conditions/ Comments/ No Comment
10/11	DEVELOPMENT (if not received, date	•)	<u> </u>
9-27	DEPS (if not received, dat	e e-mail sent _)	<u> </u>
	FIRE DEPARTME	NT			
	PLANNING (if not received, dat	e e-mail sent _			
9-25	STATE HIGHWA	Y ADMINISTR	ATION	٠	No object.
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_	ADJACENT PROF	PERTY OWNE	RS		
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PEOPLE'S COUNS	EL COMMENT LET	TER Yes		No \square	
Comments, if any: _					
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Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

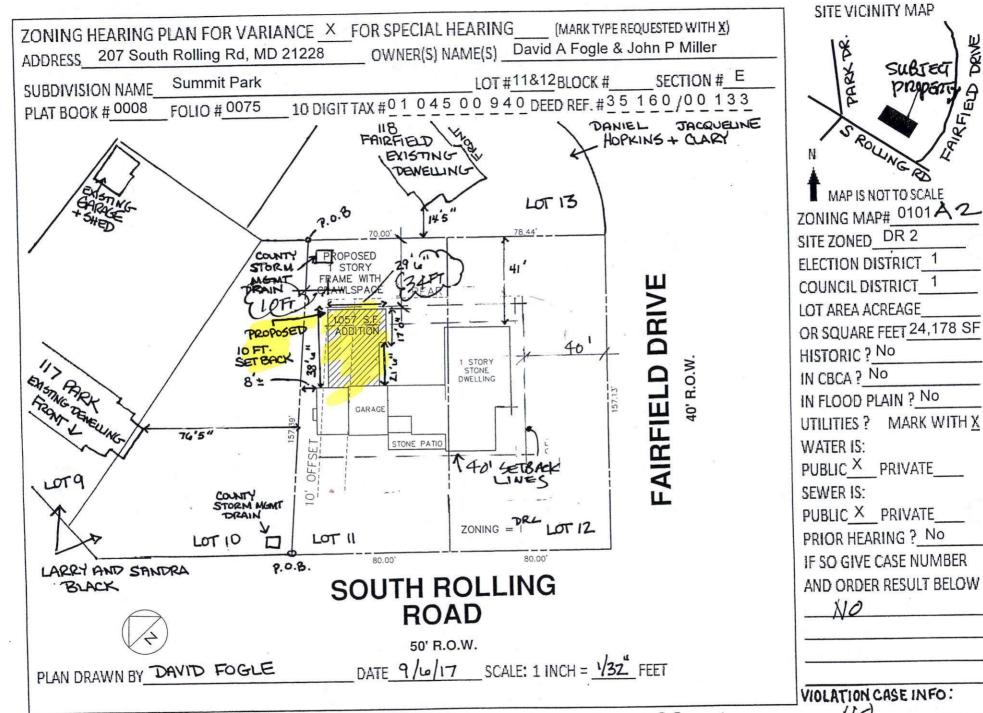
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1. This screen allows you to search the Real Property database and display property records.

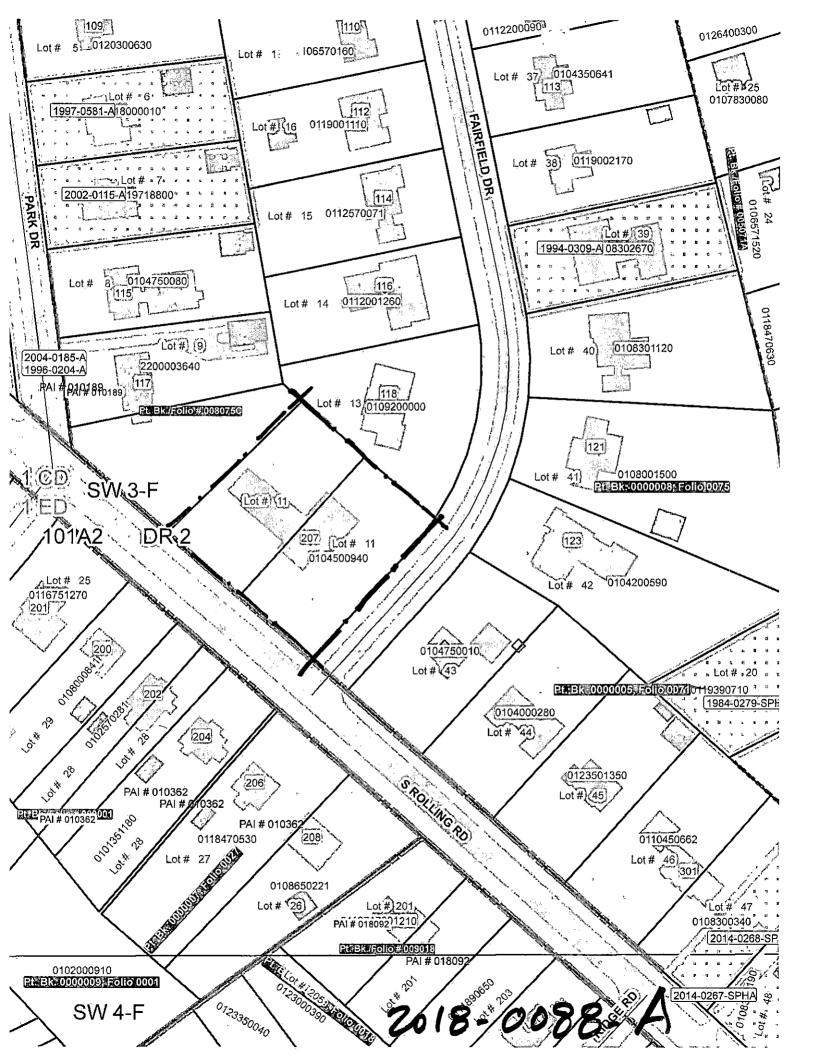
Click here for a glossary of terms.
 Deleted accounts can only be selected by Property Account Identifier.

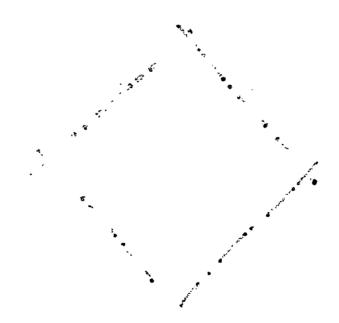
The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the

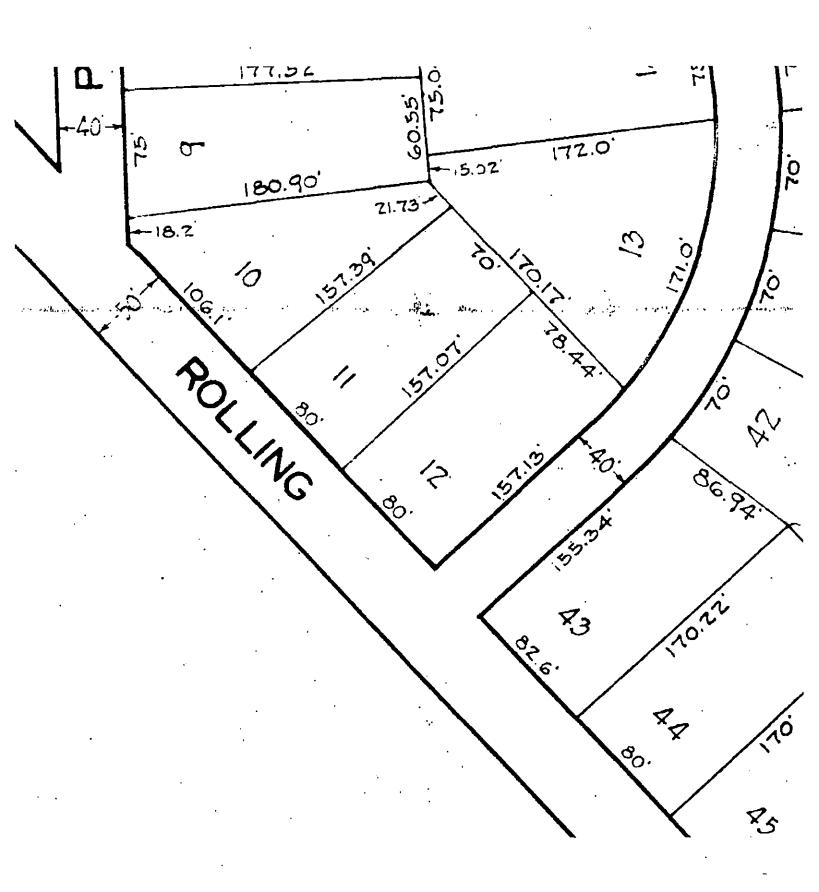


2018-0088-1

Pet. Eph. 1







2018-0088-A

