MEMORANDUM

DATE:

November 10, 2020

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2020-0231-A- Appeal Period Expired

The appeal period for the above-referenced cases expired on November 9, 2020. 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.'

/dlw

c: /Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE (2016 Rolling Road)

1st Election District 1st Council District

Claudia P. Gilmore

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2020-0231-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, Claudia P. Gilmore ("Petitioner"). The Petitioner is requesting Variance relief pursuant to Baltimore County Zoning Regulations ("BZCR") § 1B02.3.C.1 to permit a rear yard addition with a rear setback of 21.7 ft. in lieu of the required 30 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

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

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 20, 2020, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the 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

OHDEH	RECEIVED FOR FILING	
Date	10-8-3020	
Ву		

should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts to comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioner.

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 <u>8th</u> day of **October**, **2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Baltimore County Zoning Regulations ("BZCR") § 1B02.3.C. 1 to permit a rear yard addition with a rear setback of 21.7 ft. in lieu of the required 30 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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 (39) days of the date of this

2

Order.

PAUL M. MAYHEW

Managing Administrative Law Judge

for Baltimore County

PMM:dlw

Date 16 -8 -2020



ADN ISTRATIVE ZONING PE ION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections

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 2016 Rolling Road Windsor Mill MD 21244 Currently zoned DR 5.5 Deed Reference 05463 / 00497 10 Digit Tax Account # 0 1 1240/420
Owner(s) Printed Name(s) Claudia Gilmore
(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)
BCZR: 1B02.3.C.1 \rightarrow To permit a rear yard addition with a rear setback of 21.7 feet in lieu of the required 30 feet.
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to S ection 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. If 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):
Name #1 – Type or Print Name #2 – Type or Print
Claudia P. Gilman
Signature #1 Signature #2 201/201/2020 Od Windsox Mill MD
Name #1 - Type or Print Claudical Holling Name #2 - Type or Print Claudical Holling Name #2 - Type or Print Claudical Holling Name #2 - Type or Print Claudical Holling Signature #2 Representative to be contacted:
Atterney for Owner(s)/Petitioner(s): Zip Code Telephone # Email Address ' Yahoo .c. Representative to be contacted:
Representative to be contacted.
Name - Type or Print Name - Type or Print
Signature Signature
501 McCormick Dr#E Glen Burnie MD
Mailing Address City State Mailing Address City Whitney. Gischel Zip Code Telephone # Email Address Zip Code Telephone # Email Address 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
Administrative Law Judge for Delliners County
Administrative Law Judge for Baltimore County
CASE NUMBER 3030 - 0331 - A Filing Date 9,11,30 Estimated Posting Date 9,20,30 Reviewer 35

Affidavit in Support of Iministrative 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: 2016 Rolling Road Windsor /	Mill MD State	21244 Zip Code
Based upon personal knowledge, the following are the Administrative Variance at the above address. (Clearly		and the second s
Ms. Gilmore had a stroke in	March 2019 and	She
now requires the use of a walk	ier. She is looking	forward
to having a safe comfortable place	in her back you	rd to
relax. There are stray dogs that	Wander into the	back
yard, therefore Ms. Gilmore would	feel safe if she	was in
her sunroom and didnt have to rush in	ito the house to get o	away from th
(If additional space for the petition request or the above st	atement is needed, label and attac	ch it to this Form)
Signature of Owner (Affiant)	Signature of Owner (Affiant)	
Name- Print or Type	Name- Print or Type	
The following information is to be completed by	a Notary Public of the State of Ma	ryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, t		
and for the County aforesaid, personally appeared:	_, <u>2022</u> , before me a Nota	ry of Maryland, in
Print name(s) here: CLAUDIA GILMON	PÉ	
the Affiant(s) herein, personally known or satisfactorily identi-	fied to me as such Affiant(s).	
AS WITNESS my hand and Notaries Seal	in Dockline	
Notary Public	ly 19 2022	
My Commission F	Zxpires	

REV. 5/5/2016

ZONING PROPERTY DESCRIPTION FOR

2016 ROLLING RD, WINDSOR MILL, MD 21244

PART A

Beginning at a point on the WEST side of ROLLING RD which is 70 feet wide at a distance 563 feet NORTH of the centerline of the nearest improved intersecting street SECURITY BLVD which is 50 feet wide.

PART B

Being Lot # 32, in the subdivision of CHADWICK MANOR as recorded in Baltimore County Plat Book # 27/143, Deed Reference # 5463/497, containing 7,150 of total square feet. Located in the 1ST Election District and 1ST Council District.

2020-0231-A









AUAn-1221-A



CHECKLIST

Comment Received	<u>Department</u>		Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent		2 1
9-23	DEPS (if not received, date e-mail sent	NC	
	FIRE DEPARTMENT		
	PLANNING (if not received, date e-mail sent)	
	STATE HIGHWAY ADMINISTRATIO	-	
	TRAFFIC ENGINEERING		
	COMMUNITY ASSOCIATION		
	ADJACENT PROPERTY OWNERS		
ZONING VIOLATI	ON (Case No.		
PRIOR ZONING	(Case No.		
NEWSPAPER ADV	ERTISEMENT Date:		
SIGN POSTING (1	Date:	1-20-20	by Pelson
SIGN POSTING (2	Date:		by
PEOPLE'S COUNSI	EL APPEARANCE Yes EL COMMENT LETTER Yes	No D	
Comments, if any: _			

ZAC AGENDA

Case Number: 2020-0231-A Reviewer: Jason Seidelman
Existng Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE
Legal Owner: Claudia Gilmore

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist: 1 Council Dist: 1

Property Address: 2016 ROLLING RD

Location: West side of Rolling Road (70'), 563' North of Security Blvd (50').

Existing Zoning: DR 5.5

Area: 7.50 SQ FT

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To permit a rear yard addition with a rear setback of 21.7 feet in lieu of the required 30 feet.

Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date: 10/05/2020

Miscellaneous Notes:

Case Number: 2020-0232-A Reviewer: Christina Frink
Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Tod Joseph Reuschling & Amanda Marie Reuschling

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist: 9 Council Dist: 5

Property Address: 909 KINGSTON

Location: South side of Kingston Road 125 feet East of Copeleight Road.

Existing Zoning: DR 5.5

Area: 1,750 SQ FT

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 301.1.A To approve a screened porch on the left side of the house with a setback of 3 feet in lieu of the required

7.5 feet minimum setback. **Attorney:** Not Available

Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 10/12/2020

Miscellaneous Notes:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View M	ар	View GroundRent Redemption View GroundRent Registration													
Special T	Гах Recaptur	e: None		***************************************											
Account le	dentifier:	District -	01 Ac	count Nur											-
							Inform	ation							
Owner Name: Mailing Address:		GILMORE JACOB GILMORE CLAUDIA P 2016 ROLLING RD WINDSOR MILL MD 21244- 1820				Principal Residence: Deed Reference:			YE	EMF S	Т				
					4-				/05463/ 00497						
		1020		Loc	atio	n & St	ructure	Informa	ation	1					Name and the state of the state
Premises	Address:	2016 ROL WINDSOF 1820				Lega Desc	l ription	:	EX	EMF	PTION	URITY BLV	D SU	IRVIVING	SPOUSE
Map: G	rid: Parcel	: Neighborho	od:	Subdivisi	on:	Sec	tion:	Block:	L	ot:	Asse	ssment Ye	ar:	Plat No:	
0094 00	005 0199	1010002.04		0000		1A		Α	32	2	2019			Plat Ref:	0027/ 0143
Town: No	one														
Primary 1963	Structure Bu	uilt Above (Living A	rea	Fi	nished	d Basen	nent	t Are	a	Property 7,150 SF	Land		County Use 01
Stories	Basement	Туре		Exterior	Qı	uality	Full/	Half Bat	th	Gai	rage	Last Notic	e of	Major Imp	provements
1	NO	STANDARD U	NIT	SIDING/	3		1 full	1 half							
			l le			Value	Inform	ation							
			Base	Value		,	Value				Phas	e-in Asses	smer	nts	
							As of	040			As of			As of	004
			 00				01/01/2				07/01	1/2020		07/01/2	021
Land:			57,80				73,600								
Improver Total:	ments		88,10 145,9		107,100 180,700				169,100			100	180,700		
	tial Land:		0	,00			100,70	O			100,	100		0	
Ficiencii	tiai Laiiu.				T	- Transfe	er Infor	mation							-
Seller:	IBERTO SAN	MUEL J			Dat	te: 07/	22/197	4				P	rice:	\$33,200	
Company of the		H IMPROVED			De	ed1: /0	05463/	00497					eed2		
Seller:		***************************************			Dat	te:		***************************************	***************************************			P	rice:		
Type:					De	ed1:						D	eed2	:	
Seller:	VII. ASSESSED AS ASSESSED AND COMPANY ASSESSED AS A COMPANY AS A COMPA				Dat	te:	***************************************			***************************************	-	P	rice:		
Type:					De	ed1:						D	eed2	:	
					E			rmation							
Partial Ex Assessm		Class					1/2020				2021				
County:		021					100.00				00.00				
State:		021					100.00				00.00				
Municipa		021	******************************		************	0.00	0.00	***************************************	0.0	000	.00	·····			
Special	Tax Recaptu	re: None				1 . 2	**								1 9
Homosta	ad Application	on Status: App	royad			ead A	oplicati	on Infor	mati	ion					
nomeste	ad Application	on Status: App				Tax O	andis A	anlinati.	va I va I	80,000	ation				
				Homeownerus: No	212	idX C	edit A	hiicgiio	1 [[]	UIII	auOH				

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

SEP 2 3 2020

OFFICE OF ADMINISTRATIVE HEARINGS



TO:

Hon. Paul M. Mayhew; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

September 23, 2020

SUBJECT:

DEPS Comment for Zoning Item

2020-0231-A

Address

2016 Rolling Road

(Gilmore Property)

Zoning Advisory Committee Meeting of September 21, 2020.

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

Reviewer:

Steve Ford





JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL D. MALLINOFF, Director Department of Permits, Approvals & Inspections

October 5, 2020

Whitney Gischel, 501 McCormick Drive # E Glen Burnie MD 21061

RE: Case Number: 2020-0231-A, 2016 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 11, 2020. 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.

w LL

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

. Hon. Paul M. Mayhew; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

September 23, 2020

SUBJECT:

DEPS Comment for Zoning Item

Item # 2020-0231-A

Address

2016 Rolling Road (Gilmore Property)

Zoning Advisory Committee Meeting of September 21, 2020.

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

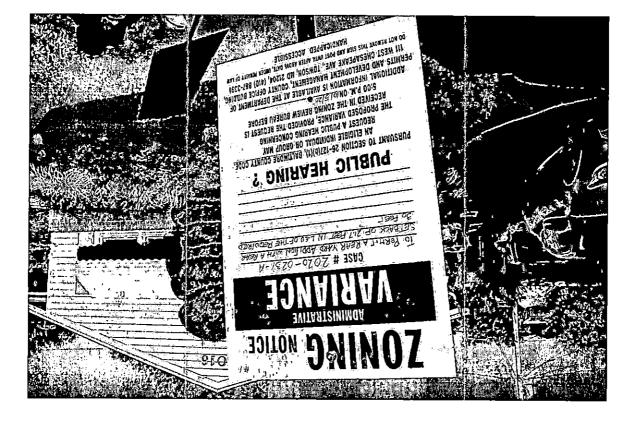
Reviewer:

Steve Ford

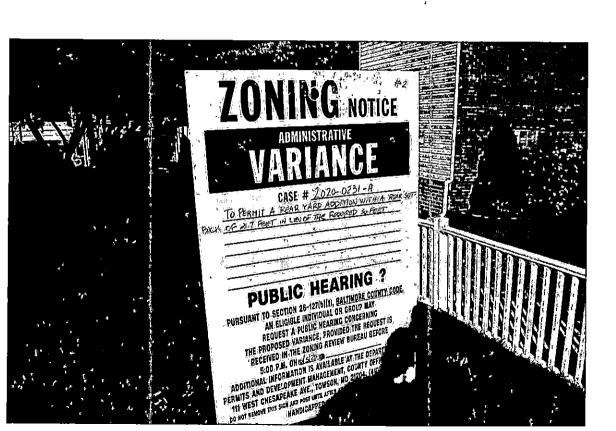
CERTIFICATE OF POSTING

Date: 9-20-20 RE: Case Number: 2020-0231-A Petitioner/Developer: Gilhore Date of Hearing/Closing: 10-5-20 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 2016 Kelling fl The signs(s) were posted on 9-20-20 (Month, Day, Year); J. LAWRENCE PILSON (Printed Name of Sign Poster) ATTACH PHOTGRAPH 1015 Old Barn Road (Street Address of Sign Poster) Parkton, MD 21120 (City, State, Zip Code of Sign Poster) 443-834-8162

(Telephone Number of Sign Poster)



_



CERTIFICATE OF POSTING

Date: 9-20-20 RE: Case Number: 2020-0231-A Petitioner/Developer: Gilmore Date of Hearing/Closing: 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 2016 Kolling The signs(s) were posted on 9-20-20 (Month, Day, Year) J. LAWRENCE PILSON (Printed Name of Sign Poster) ATTACH PHOTGRAPH 1015 Old Barn Road (Street Address of Sign Poster) Parkton, MD 21120 (City, State, Zip Code of Sign Poster) 443-834-8162 (Telephone Number of Sign Poster)





1020-0231-A CASE # 2

REAR YARD ADDITION WITH A TET IN LIEU OF THE

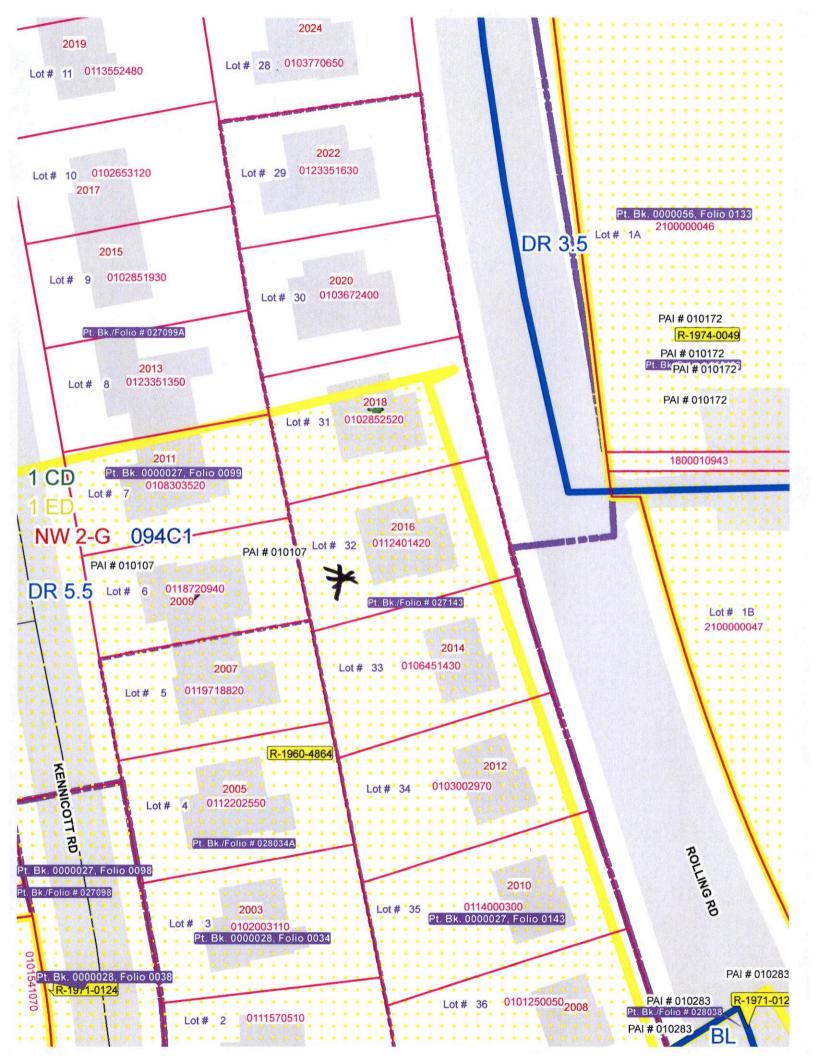
PUBLIC HEARING

PROPOSED VARIANCE, PROVIDED THE REQUEST IS PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUN REQUEST A PUBLIC HEARING CONCERNING AN ELIGIBLE INDIVIDUAL OR GROUP MAY

RECEIVED IN THE ZONING REVIEW BUREAU BEFORE ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPAR PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY O.

111 WEST CHESAPEAKE AVE., TOWSON, MD. DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABO

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2020- 0031 -A Address 0016 ROLLING ROAD, 01244
Contact Person: JASON SEIBELMAN Phone Number: 410-887-3391
Filing Date: $9/11/20$ Posting Date: $9/20/20$ Closing Date: $10/5/20$
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. <u>DEADLINE:</u> 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.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2020- 0231 -A Address 2016 ROLLING ROAD, 21244
Petitioner's Name GILMORE Telephone 410:350-9307
Posting Date: 9/80/80 Closing Date: 10/5/80
Wording for Sign:
To permit a rear yard addition with a rear setback of 21.7 feet in lieu of the required 30 feet.





ADDRESS: 2016 ROLLING RD OWNER NAME: JACOB GILMORE & CLAUDIA GILMORE

SUBDIVISION NAME: CHADWICK MANOR LOT # 32 BLOCK # A SECTION # 1A
PLAT BOOK # 0027 FOLIO # 0143 10 DIGIT TAX ID # 0112401420 DEED REFERENCE # 05463/00497



2016 ROLLING RD WINDSOR MILL MD 21244

1:20

SCALE:

JACOB & CLAUDIA GILMORE ZONING PLAN PROP. TAX ID # 0112401420

ZONING MAP# 094CL SITE ZONED: DR 5.5 26.1' 108.00 ELECTION DIST .: 1ST Rolling Rd COUNCIL DIST .: 1ST LOT ACREAGE: 0.1641 70 FT RIN LOT SQ. FT.: 7,150 HISTORIC ?: NO D IN CBCA?: NO .00 IN FLOODPLAIN?: NO WATER IS: PUBLIC #2016 EXISTING 1 STORY House 1,504 S SEWER IS: PUBLIC PRIOR HEARING:NO CASE #_ RESULT:_ 26.1' #2014 EXISTING 1 STORY

2020-0731-A Pet. Exc. 1