MEMORANDUM

DATE:

February 17, 2021

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2020-0298-A - Appeal Period Expired

The appeal period for the above-referenced cases expired on February 16, 2021. 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

(29 Millstone Road)

2nd Election District

4th Council District

Maurice V. & Monique Y. Wise

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2020-0298-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 owners of the subject property, Maurice V. Wise and Monique Y. Wise ("Petitioners"). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR") § 1B02.3.B (1958 Regulations) to permit a side yard addition with a side setback of 2 ft. in lieu of the required 15 ft. 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. There were no adverse ZAC comments received from any of the County reviewing agencies. However, it is to be noted that a letter of support dated December 4, 2020 was contained in the case file from William and Rita Brooks residing at 31 Millstone Road, who indicated they had no objections to Petitioner's zoning request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 27, 2020, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER	RECEIVED FOR FILING
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The Petitioners have filed the supporting affidavits as required by § 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 to satisfy the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for 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 <u>14th</u> day of January, 2021, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("BCZR") § 1B02.3.B (1958 Regulations) to permit a side yard addition with a side setback of 2 ft. in lieu of the required 15 ft., 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, Petitioner is 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, 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 (30) days of the date of this Order.

PAUL M. MAYHEW

Managing Administrative Law Judge

for Baltimore County

ORDEF	PMM:dlw R RECEIVED FOR FILING
Date	THE RELIGIOUS IN THE CONTROL OF THE PART AND A SECTION OF THE CONTROL OF THE CONT
By	

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 29 MILLSTONE RD - RANDALLSTOWN MD 21133 Currently zoned RC5

Deed Reference 11239 / 0608 10 Digit Tax Account # 0 2 0 1 5 4 0 2 9 0

Owner(s) Printed Name(s) MAURICE V. WISE & MONTONE Y. WISE

(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:

1. X ADMINISTRATIVE VARIANCE from Section(s)

BCZR: 1B02.3.B (1958 Regulations) → To permit a side yard addition with a side setback of 2 feet in lieu of the required 15 feet.

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.

Name #1 – Type	e or Print	Name	#2-Type or Pri	nt C
man	-011-	1 -	1-11	Ti
Signature #1		Signa	ature # 2	
29 MIL	LSTONE RD	KAN	JUAUSTOWA	MM V
	LSTONE RD	City	Stat	
Mailing Address		City		te

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

Name- Type or Print	Name – Type or Print	and the same of th
Name- Type or Print Signature Mailing Aboress Sity State	Signature	
Mailing Atoress City State	Mailing Address City	State
Zip Code Email Address	Zip Code Telephone #	Email Address

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
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Owner(s)/Petitioner(s):

CASE NUMBER	2020-0298-4
0) 10 m 110 mm 11	

Affidavit in Support of Administrative Variance

My Commission Expires 08-31-2021

(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:	29 MILLSTONE F	20 RANDALLSTOWN	MARYLAND	21133
	Print or Type Address of property	City	State	Zip Code
Based un	on personal knowledge	the following are the facts up	on which I/we base the	request for an
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Signature o	of Owner (Affiant)	Sign	ature of Owner (Affiant)	
			() P	
Name- Prin	ICE V. WISE	Nam	CONTONE Y. V	VISE
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	The following information	on is to be completed by a Notar	y Public of the State of Ma	ryland
				
STATE C	F MARYLAND, COUNT	TY OF BALTIMORE, to wit:		
	•	•	_	
I HEREB	Y CERTIFY, this 5	day of <u>Dec</u> , <u>20</u>	20 , before me a Notar	y of Maryland, in
and for the	e County aforesaid, persor	ally appeared:		•
		، مما سا		
Print name(s) h	ere: MAURICE V	. WISE AND MONI	OUE 9. WISE	-
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the Affiant	(s) herein, personally know	vn or satisfactorily identified to r	ne as such Affiant(s).	
AC WITH	ESS my hand and Notaries	Seal -		<i>1</i>
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	ORGE E. WHITE	Notary Public or		
	OTARY PUBLIC	8/31	12021	<u> </u>
BAL	TIMORE COUNTY MARYLAND	My Commission Expires		

REV. 5/5/2016

ZONING PETITION PROPERTY DESRIPTION

Zoning Property Description for: 29 MILLSTONE ROAD, RANDALLSTOWN, MD 21133

Beginning at a point on the west side of Millstone Road which the property fronts, which is a width of 50 right-of-way in feet and 50 feet wide at a distance south of 68 feet from the centerline of the nearest improved intersecting street Willow Brook Court which is 50 feet wide.

Sub-division Lot is part of record plat: RC 5

Being Lot #10

Block A

Section E

In Sub-division: HERNWOOD HEIGHTS

As recorded in Baltimore County Plat Book #24

Folio #148

Containing 20,000 square feet

Located in the 2nd Election District

4th Council District

2020-0298-A

CERTIFICATE OF POSTING

	Date: 12-27-20
RE: Case Number: 2020-0298-A	
Petitioner/Developer: Wise	
Date of Hearing/Closing: 1-11-21	•
This is to certify under the penalties of perjudy by law were posted conspicuously on the proper	ary that the necessary sign(s) required by located at 29 Milstone R
The signs(s) were posted on 12-27-	
(! 	Month, Day, Year)
5	Laurente
	(Signature of Sign Poster)
' 	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
T)	elephone Number of Sign Poster)

CASE # 2020-0298 -A

TO PERMIT A SIDE YARD ADDITION WITH A SIDE SETBACK OF 2 FEET IN LIEU OF THE REGINRED IS FEET

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP HAY REQUEST A RUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT HANAGEMENT, COUNTY OFFICE BUILDING, TITI WEST CHESAPEAKE AVE., TOWSON, HD 21204, (410) 887-3391 DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW

ZONING NOTICE

ADMINISTRATIVE VARIABLE E

CASE # 2020-0298 -A

TO PERMIT A SIDE YARD ADDITION WITH A SIDE

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 0298 -A Address 29 MILLSTONE ROAD
Contact Person: JASUN SEIDELMAN Phone Number: 410-887-3391
Filing Date: 18/14/20 Posting Date: 18/27/20 Closing Date: 1/11/21
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- 0898 -A Address 89 MILLSTUNE ROAD
Petitioner's Name WISE Telephone 443-999-0003
Posting Date: 10 07 00 Closing Date: 1 11 01
Wording for Sign:
To permit a side yard addition with a side setback of 2 feet in lieu of the required 15 feet.
Revised 2/20/2020

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: <u>2020 - 02 9 8 - A</u>
Property Address: 29 MILLSTONE RD - RANDALLSTOWN WYD 21133
Property Description:
Legal Owners (Petitioners): MAURICE WISE & MONTOUE WISE Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: MONTOUE WISE
Company/Firm (if applicable):
Address: 29 MILLSTONE RD
RANDALLSTOWN, MD 21133
Telephone Number: 443-992-0003



JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL D. MALLINOFF, Director

Department of Permits,

Approvals & Inspections

January 11, 2021

Maurice Wise 29 Millstone Road Randallstown MD, 21133

RE: Case Number: 2020-0298-A, 29 Millstone Road

Dear: Maurice & Monique Wise

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspections (PAI) on December 14, 2020.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection	
and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake	
Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:mcn

C: People's Counsel





CASE NO. 2020- 0298-A

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	. ,
	DEPS (if not received, date e-mail sent)	
8	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
	STATE HIGHWAY ADMINISTRATION	
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	0
12-4-20	ADJACENT PROPERTY OWNERS William + Pate Brooks	Support
ZONING VIOLATIO		
PRIOR ZONING	(Case No.	
NEWSPAPER ADVE	ERTISEMENT Date:	
SIGN POSTING (1^{st})	Date: 12-27-20	by Pilson
SIGN POSTING (2 nd	Date:	by
PEOPLE'S COUNSEI	L APPEARANCE Yes No C	ş.
Comments, if any:		

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map View GroundRent Rede				emption View GroundRent Registration										
Special	Tax Recapt	ure: None				***************************************								
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				DALLSTO		D 21133								
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					Tra	nsfer Info	rmation							
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Seller: ANBINDER LEROY				Date: 12/29/1975				Price: \$55,000						
Type: ARMS LENGTH IMPROVED				Deed1: /05596/ 0024			/ 00244	Deed2:						
Seller:					Date:						Price:			
Type:					Deed						Deed2:			
					Exe	mption Ini	formation							
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State:			000				.00				0.0010.00			
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ZAC AGENDA

Case Number: 2020-0298-A

Reviewer: Jason Seidelman

Existng Use: RESIDENTIAL

Proposed Use: RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Maurice V. Wise & Monique Y. Wise Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist: 2 Council Dist: 4

Property Address: 29 MILLSTONE RD

Location: East side of Millstone Road (50') 70' South of the center line of Willow Brook Court (50').

Existing Zoning: RC 5 (VESTED R-20, 1958)

Area: 20,000 SQ FT

Proposed Zoning:

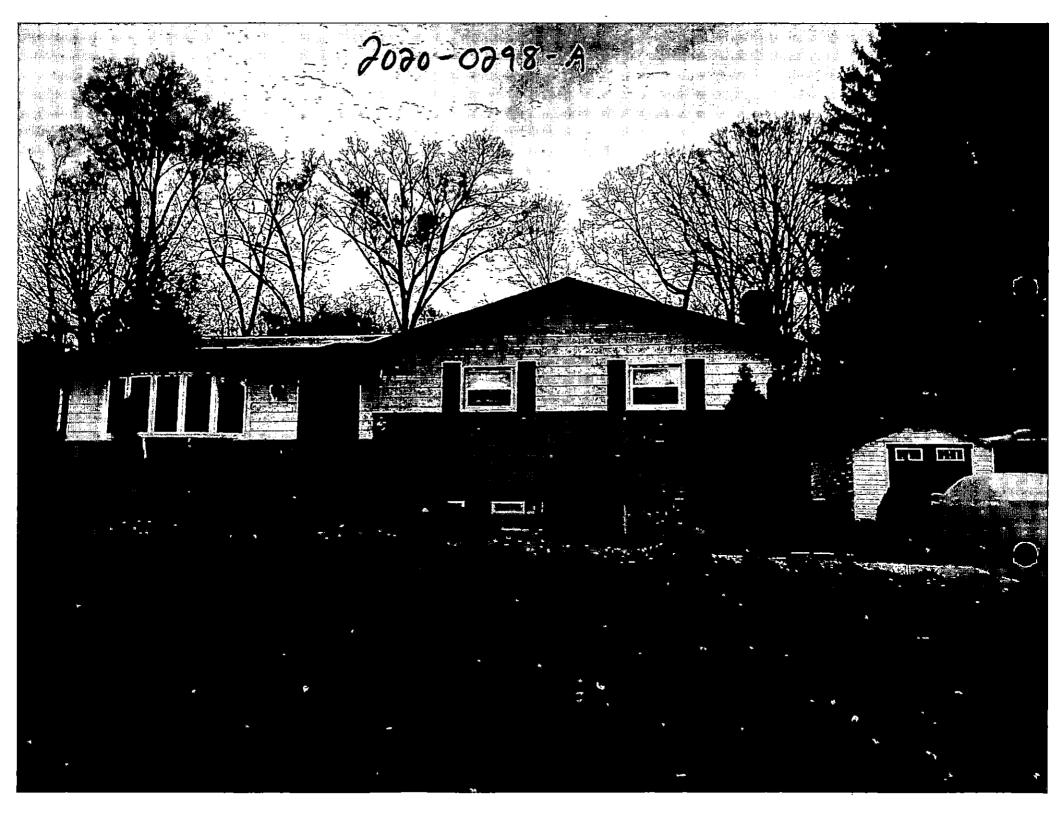
ADMINISTRATIVE VARIANCE:

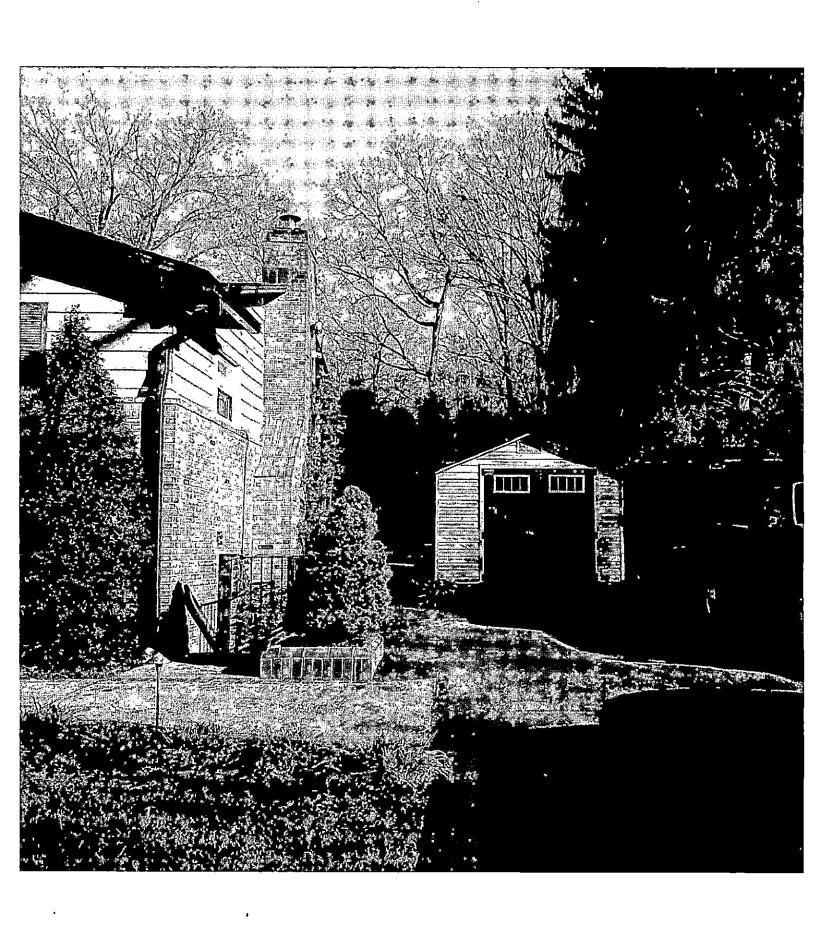
BCZR 1B02.3.B (1958 Regulations) To permit a side yard addition with a side setback of 2 feet in lieu of the required 15

feet.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 01/11/2021

Miscellaneous Notes:





2020-0298-A

LETTER OF INTENT TO BUILD

This letter is to inform you that we are submitting an application for a building permit to add a garage to our home.

This will be attached to our home, but the build will be 1.5 feet from the property line. That means that we have to apply for a variance through Baltimore County. This will have no impact on your property, we just have to inform you of what's about to happen. On that note, an approval of our application for this variance would be greatly appreciated.

Maurice & Monique Wise

29 Millstone Road

Randalistown, MD 21133

443-992-0003

Accepted by:

William Brooks

Rita Brooks

124-2020

Date

12-4-2020

Date

LETTER OF INTENT TO BUILD

This letter is to inform you that we are submitting an application for a building permit to add a garage to our home.

This will be attached to our home, but the build will be 1.5 feet from the property line. That means that we have to apply for a variance through Baltimore County. This will have no impact on your property, we just have to inform you of what's about to happen. On that note, an approval of our application for this variance would be greatly appreciated.

Maurice & Mor	nique Wise
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29 Millstone Road

Randallstown, MD 21133

443-992-0003

Accepted by:

William Brooks

Rita Brooks

124-2020

Date

12-4-20,20

Date

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	Rent Redempt	edemption View				v GroundRent Registration					
Special Tax Recapture: N	lone				- Annual			-			
Account Identifier:	Dist	ict - 02 Accou	nt Numb	er - 021927	0820			_ (
		C	wner Inf	ormation				7			
Owner Name:		31 MILLSTONE RD RANDALLSTOWN MD 21133				Use: Principal Residence: Deed Reference: RESIDENTIAL YES /06505/ 00718					
Mailing Address:											
				ture Informat							
Premises Address:		ILLSTONE RD DALLSTOWN 2		Leç	gal De	scription		RNWOOD	HEIGHTS		
Map: Grid: Parcel: N	leighborhood:	Subdivision:	Section	n: Block:	Lot:	Assess	ment Year:	Plat No:			
	050074.04	0000	E	Α	11	2019		Plat Ref	0024/ 0148		
Town: None			***************************************		***************************************						
Primary Structure Built	Above Grade	Living Area	Finis	hed Basemo	ent Ar	ea Pi	roperty Lan	d Area	County Use		
1962	2,399 SF					20	0,000 SF		04		
Stories Basement Type	e Exter	ior	Quality	Full/Half Bath	G	arage	Last Notic	e of Major			
2 NO SPL LEV		G/	4	3 full/ 1 half		ttached					
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	Raco	Value	Value			Phase-i	n Assessm	onte			
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Land:	71,50		71,5								
Improvements	176,1			,300							
Total:	247,6	000		,800		263,733		271,80	0		
Preferential Land:	0	т,	0	formation							
Seller: BRANDEIS UNIVE	De ITV						Drices	\$100,000			
Type: ARMS LENGTH IM		Date: 03/31/1983 Deed1: /06505/ 00718			Price: \$109,000 Deed2:						
			00710								
Seller: Type:		Date Dee					Price: Deed2				
Seller:		Date Deed					Price: Deed2				
Type:				nformation			Deed2	•			
Partial Exempt Assessme	nts: Clas		THOUGHT		01/202	20	07	/01/2021			
County:	000			0.0			3.				
State:	000			0.0							
Municipal: 000			0.0000.00				0.0	00.00			
Special Tax Recapture:	Vone										
Homestead Application S	tatus: Approved		ad Applic	ation Inform	ation						
	- h	Homeowners' Ta	ax Credit	Application	Inform	ation					
Homeowners' Tax Credit	Application State	us: No Applicat	ion	Dat	te:						

