



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

July 19, 2023

Charles J. Schultz, II – cjschultz21911@gmail.com
19937 Gore Mill Road
Freeland, MD 21053

RE: Petition for Administrative Variance
Case No. 2023-0138-A
Property: 19937 Gore Mill Road

Dear Mr. Schultz:

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,

A handwritten signature in blue ink, reading "Paul M. Mayhew", is written over a faint, larger version of the same signature.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(19937 Gore Mill Road)		
6 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Charles Schultz, II	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioner	*	CASE NO. 2023-0138-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, Charles Schultz, II (“Petitioner”), for property located at 19937 Gore Mill Road, Freeland. The Petitioner is requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) §§ 101.1 and 400.3: To permit an accessory building (pole barn) with a footprint larger than the principal building (dwelling) and a 17 foot height in lieu of the maximum 15 feet. The subject property and requested relief are 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 contained in the case file.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 2, 2023, 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 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.

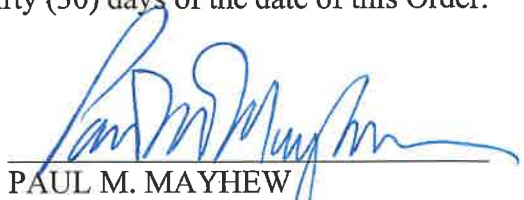
Although the Department of Planning did not make any recommendations related to the proposed accessory building (pole barn) height and usage, I will impose conditions that the proposed accessory building (pole bar) shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

THEREFORE, IT IS ORDERED, this 19th day of **July, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (“BCZR”) §§ 101.1 and 400.3: To permit an accessory building (pole barn) with a footprint larger than the principal building (dwelling) and a 17-foot height in lieu of the maximum 15 feet, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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.
- Petitioner or subsequent owners shall not convert the proposed accessory building (pole barn shed) into a dwelling unit or apartment. The proposed accessory building (pole barn shed) shall not contain any sleeping quarters, living area, or kitchen or bathroom facilities.
- The proposed accessory building (pole barn shed) shall not be used for commercial purposes.

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

PMM/dlw

23-054



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 19937 GORE MILL RD Currently Zoned R2
Deed Reference BOOK 26701, PAGE 76 10 Digit Tax Account # 1700 012860
Owner(s) Printed Name(s) CHARLES J. SCHULTZ II
Current 43010/00261
(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ **ADMINISTRATIVE VARIANCE** from Section(s) 101.1 & 400.3 to permit an accessory building (pole barn) larger than the principal building (dwelling) and a 17-foot height in lieu of the maximum 15 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 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 zoning regulations of Baltimore County, to the zoning 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):

CHARLES J. SCHULTZ II

Name #1 - Type or Print Charles Schultz II Name #2 - Type or Print _____

Signature #1 [Signature] Signature #2 _____

Mailing Address 19937 GORE MILL RD City FREELAND, MD State _____

Zip Code 21053 Telephone #'s (Cell and Home) 410-299-4314 Email Address Cjschultz21911@gmail.com

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

Name - Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Representative to be Contacted:

Above
Name - Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

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
Case Number 2023-0138-A Filing Date 6/21/23 Estimated Posting Date 7/2/23 Reviewer ML
Closing 7/17/23 Revised 8/2022

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: 19937 GORE MILL RD FREELAND MD 21053
Print or Type Address of Property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

I want to construct an addition to my existing pole barn.
The current barn replaced a 2 story 4 car garage damaged
by fire on 02/19/2011. It was permitted by permit
number B 762447 (5/20/11) and clearly stated 17 foot
height for garage and pole barn. It only makes sense to
maintain the current height for construction purposes
and to maintain current door opening height (10')
to accommodate my vehicles. Shaving the height would
add to my costs and not allow construction using the
shared wall fully. This addition is for storage.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Charles J. Schultz II
Signature of Owner (Affiant)

Signature of Owner (Affiant)

CHARLEY J. SCHULTZ II
Name - Print or Type

Name - Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of June, 2023, before me a Notary of Maryland, in
and for the County aforesaid, personally appeared:

Print name(s) here: Charles J. Schultz II

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Jennifer Anne Wellner
Notary Public

January 24th, 2024
My Commission Expires

JENNIFER ANNE WELLNER
NOTARY PUBLIC
HARFORD COUNTY
MARYLAND

My Commission Expires Jan. 24, 2024

ZONING PROPERTY DESCRIPTION

FOR 19937 GORE MILL RD, BA. CO, MD 21053

PART A

BEGINNING AT A POINT ON THE EAST SIDE OF GORE MILL RD WHICH IS 18 FEET WIDE AT A DISTANCE 1100 NORTHEAST OF MIDDLETOWN RD. WHICH IS 18 FEET WIDE.

PART B

THENCE $81\frac{1}{2}$ EAST $29\frac{1}{2}$ THENCE NORTH
36 26' 23" 406.50 FEET NORTH 44 49' 24"
WEST 647.13 FEET SOUTH 81 25' 49" WEST
142.11 FEET TO NORTH 81 25' 49" EAST
612.11 FEET REVERSE SOUTH 81 25' 49"
WEST 612.11 FEET SOUTH 8 34' 11 16.50
FEET FROM SOUTH $74\frac{1}{2}$ WEST THENCE
SOUTH 81 25' 49" 24.23 FEET TO CENTER
LINE OF GORE MILL RD THEN RUNNING IN
GORE MILL RD 47 11' WEST 150 FEET THEN
SOUTH 47 11' WEST 101.4 FEET TO 2.5 FEET
SOUTH EAST OF CENTERLINE TO END.
NORTH $42\frac{1}{2}$ EAST 59 THEN SOUTH 62 12' 00"
SOUTH 790.78 FEET
SOUTH 81 EAST SOUTH 74 27' 00 EAST
486.75 FEET TO BEGINNING
CONTAINING 14.497 ACRES

AS RECORDED IN DEED BOOK 26701

PAGE 76 CONTAINING 631,478.300 sq ft.

LOCATED IN 6TH ELECTION DISTRICT

AND 3RD COUNCIL DISTRICT

2023-0138-A

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: July 17, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0138-A
Address: 19937 GORE MILL RD
Legal Owner: Charles Schultz, II

Zoning Advisory Committee Meeting of July 3, 2023.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Forest conservation requirements may be met by filing for a Single Lot Declaration of Intent.

Reviewer: Jannifer Anderson

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023 - 0138 -A Address 19937 Gore Mill Road

Contact Person: M. L. Kellman Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/21/2023 Posting Date: 7/2/2023 Closing Date: 7/17/2023

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. **DEADLINE:** 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.

Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2023 - 0138 -A Address 19937 Gore Mill Road

Petitioner's Name: Charles J. Schultz Telephone (Cell) 410-299-4314

Posting Date: 7/2/2023 Closing Date: 7/17/2023

Wording for Sign: To Permit an accessory structure/building (pole barn)
larger than the principal building (dwelling) and a 17-foot
height in lieu of the maximum 15 feet.

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: 2023-0138-A

Property Address: 19937 Boe Mill Road

Legal Owners (Petitioners): Charles J. Schultz II

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Charles J. Schultz II

Address: 19937 Boe Mill Road

Frederick, MD

21053

Telephone Number: 410-299-4314

*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.

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: None

Account Identifier: District - 06 Account Number - 1700012860

Owner Information

Owner Name: SCHULTZ CHARLES J 2ND Use: RESIDENTIAL
Principal Residence: YES

Mailing Address: 19937 GORE MILL RD Deed Reference: /43010/ 00261
FREELAND MD 21053-9551

Location & Structure Information

Premises Address: 19937 GORE MILL RD Legal Description: 14.497 AC SS
FREELAND 21053-9551 19937 GORE MILL RD
1100 NE MIDDLETOWN RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0011 0004 0116 6020004.04 0000 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
2011 2,808 SF 14.4900 AC 04

StoriesBasementType	ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
1 1/2 YES STANDARD UNITSIDING/5	3 full

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2022	07/01/2023
Land:	149,500	163,000		
Improvements	414,400	553,200		
Total:	563,900	716,200	563,900	614,667
Preferential Land:	0	0		

Transfer Information

Seller: SCHULTZ CHARLES J 2ND	Date: 06/19/2020	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /43010/ 00261	Deed2:
Seller: RIEMER CORBIN D	Date: 02/26/2008	Price: \$549,000
Type: ARMS LENGTH IMPROVED	Deed1: /26701/ 00076	Deed2:
Seller: HUNT DALLAS ALTON	Date: 10/27/2003	Price: \$475,000
Type: NON-ARMS LENGTH OTHER	Deed1: /19034/ 00695	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2022	07/01/2023
County: 000	0.00	
State: 000	0.00	
Municipal: 000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 05/20/2008

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No ApplicationDate:

2023-0138-A

No. 221281

No.

Date:

Rev	Sub
Source/	Rev/

[illegible]

Total:

Rec:
From:

Charles J. Schultz, Jr.

For:

Zoning Variance
 19937 Gore Mill Road
 Zoning Case 2025-0138-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

**CASHIER'S
VALIDATION**

2023-0135-A



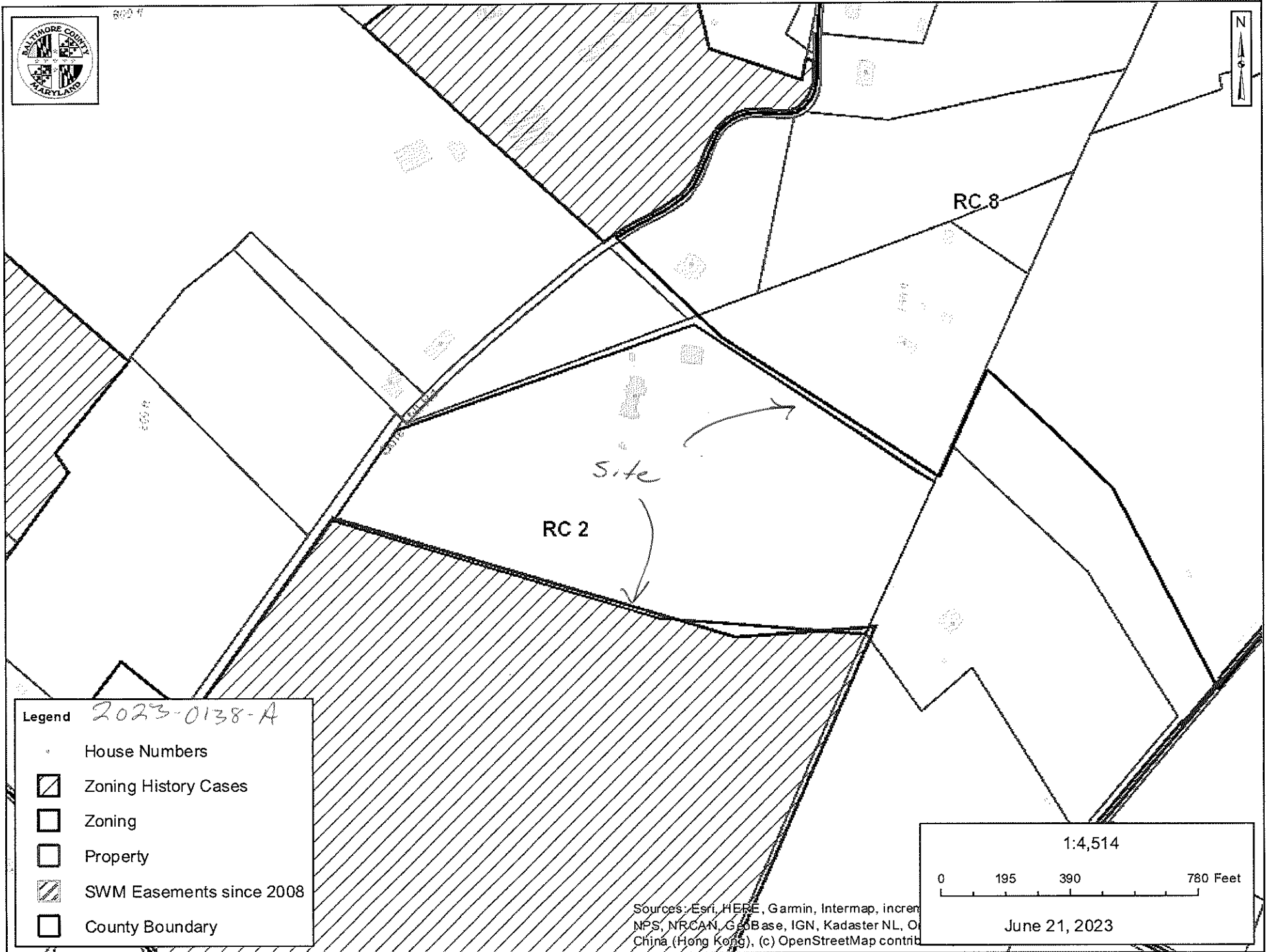


2023-0138-A

2023-0138-A

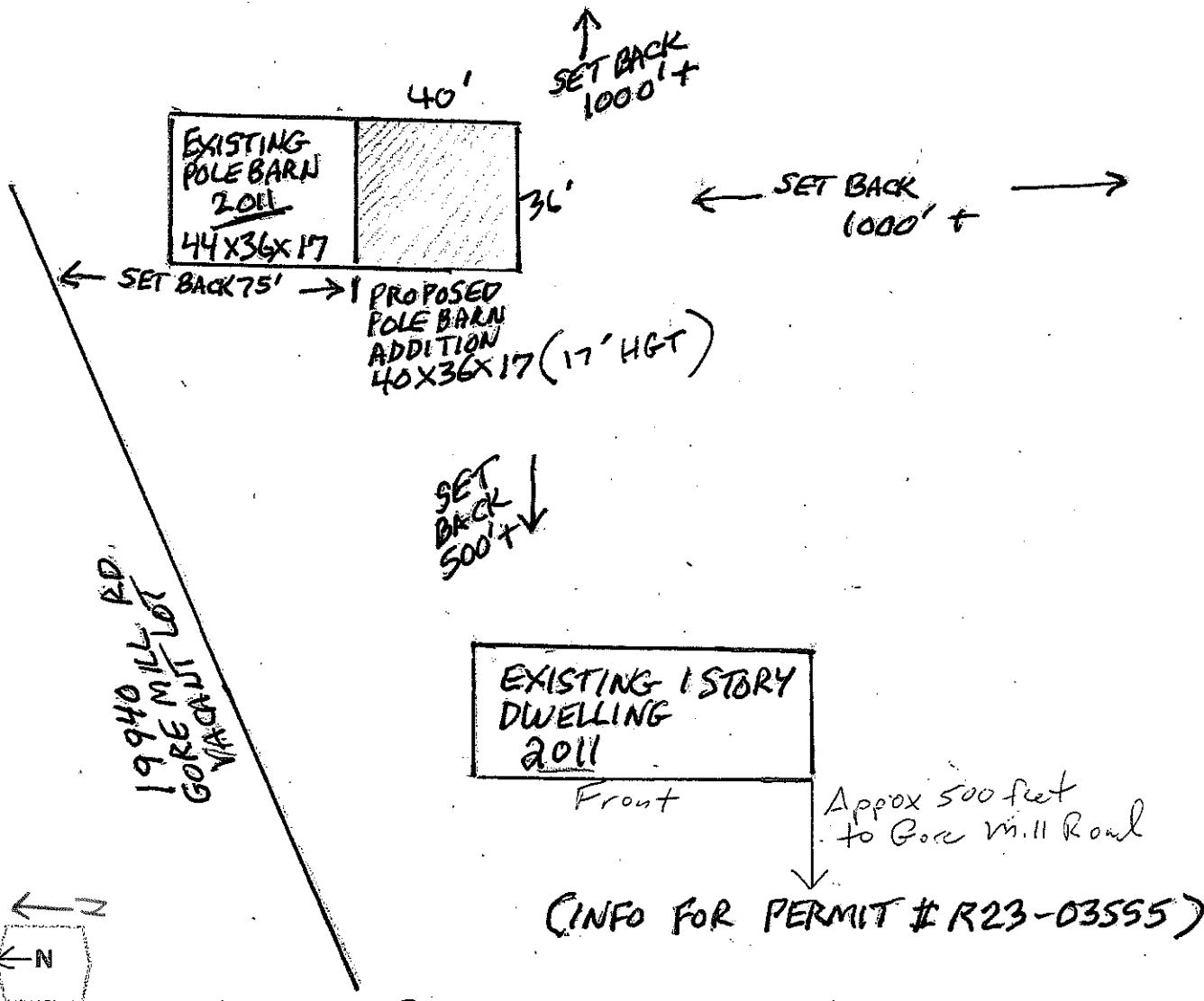


Baltimore County - My Neighborhood



Sources: Esri, HERE, Garmin, Intermap, increment P., NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, DeLorme, NAVTEQ, Swisstopo, UGC, Earthstar, WorldGlobe, Locus (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Zoning Hearing Plan for Variance ☒ for Special Hearing _____ Mark Type Requested with (X)
Address 19937 GORE MILL RD Owners(s) Name(s) CHARLES J. SCHULTZ II
Subdivision Name 1100 NE MIDDLETOWN RD Lot # N/A Block # N/A Section # N/A
Plat Book # _____ Folio # _____ 10 Digit Tax # 1700 012860 Deed Reference# 43 010100361

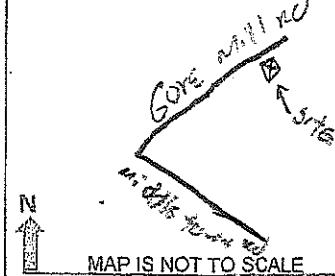


(INFO FOR PERMIT # R23-03555)

Plan Drawn By CHARLES J. SCHULTZ II

Date 6-4-2023 Scale: 1 inch = 40 Feet

Site Vicinity Map



Zoning Map # 01131
Zoning RC2
Election District 06
Council District 03
Lot Area Acreage 14.49 AC
Lot Square Footage 631478
Historic (Yes or No) NO
CBCA (Yes or No) NO
Flood Plain (Yes or No) NO
Utilities - Mark with (X)
Water is:
Public _____ Private X
Sewer is:
Public _____ Private X
Prior Hearing (Yes or No) NO
If (Yes) list Case Number(s) and order result(s) below:

Violation Case Number(s)