



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

November 28, 2023

Andre and Lucia Gelman – ladyemailus@gmail.com
4410 Butler Road
Reisterstown, MD 21136

RE: Petition for Administrative Variance
Case No. 2023-0220-A
Property: 4410 Butler Road

Dear Mr. and Mrs. Gelman:

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 black ink, appearing to read "Andy M. Belt", is written over a horizontal line.

ANDY M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlw
Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(4410 Butler Road)		
4 th Election District	*	OFFICE OF ADMINISTRATIVE
4 th Council District		
Andre & Lucia Gelman	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2023-0220-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, Andre and Lucia Gelman (“Petitioners”) for the property located at 4410 Butler Road, Reisterstown (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), Section 1A01.3.B.2, to permit a side yard addition with a side setback of 8 ft. in lieu of the required 35 ft. The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioners’ Exhibit 1. Street view photographs of the Property were provided. (Pet. Exs. 2A-2I). There were no adverse Zoning Advisory Committee (“ZAC”) comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on November 3, 2023 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 §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 that comply with the requirements of §307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners. I find that 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.

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 28th day of **November, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR"), Section 1A01.3.B.2, to permit a side yard addition with a side setback of 8 ft. in lieu of the required 35 ft., be, and they are each hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. 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.



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlw



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 4410 Butler Rd, Reisterstown MD 21136 Currently Zoned RC2
Deed Reference JLE33020 / 155 10 Digit Tax Account # 2 5 0 0 0 0 8 9 8 2
Owner(s) Printed Name(s) Andre Gelman, Lucia Gelman

(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: 1A01.3.B.2. → To permit a side yard addition with a side setback of 8 feet in lieu of the required 35 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):

Andre Gelman / Lucia Gelman
Name #1 - Type or Print / Name #2 - Type or Print
Andre Gelman / Lucia Gelman
Signature #1 / Signature #2
4410 Butler Rd / Reisterstown / MD
Mailing Address / City / State
21136 / 443-838-2465 / ladymailus@gmail.com
Zip Code / Telephone #'s (Cell and Home) / Email Address

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

Name - Type or Print
Signature
Mailing Address / City / State
Zip Code / Telephone # / Email Address

Representative to be Contacted:

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 2023-0720-A Filing Date 10 / 24 / 23 Estimated Posting Date 11 / 5 / 23 Reviewer JS

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: <u>4410 Butler Rd</u>	Reisterstown	MD	21136
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)**

We would like to build a garage as an additional structure attached to our single family home located at 4410 Butler Rd,
Reisterstown, MD 21136. The reason why it has to be built on this side of the house is because the driveway currently
leads to that side of the house. The other side of the house has a septic field that prevents us from building on top of it.

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

Andre Gelman
Signature of Owner (Affiant)
Andre Gelman
Name - Print or Type

Lucia Gelman
Signature of Owner (Affiant)
Lucia Gelman
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 17 day of October, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

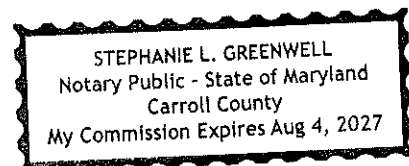
Print name(s) here: Andre Gelman, Lucia Gelman

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

AS WITNESS my hand and Notaries Seal

Stephanie L. Greenwell
Notary Public

August 4, 2027
My Commission Expires



4410 Butler Road

(25-00-008982)

2023-0220-A

Property Description

Part A: Located in the northwest side of Butler Road (18' row) at a distance of 821 feet +/- of Worthington Avenue (25' row).

Located in the 4th Election District and 4th Council District consisting of 3 acres of land.

**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: 2023-0220-A
Property Address: 4410 BUTLER ROAD
Legal Owners (Petitioners): ANDRE + LUCIA GELMAN
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): ANDRE GELMAN
Address: 4410 BUTLER ROAD
REGISTERSTOWN, MD 21136

Telephone Number: 443-838-2465

*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.

Revised 3/2022

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023 - 0220 -A Address 4410 BUTLER ROAD

Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/24/23 Posting Date: 11/5/23 Closing Date: 11/20/23

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 - 0220 -A Address 4410 BUTLER ROAD

Petitioner's Name: GELMAN Telephone (Cell) 443-838-2465

Posting Date: 11/5/23 Closing Date: 11/20/23

Wording for Sign: To permit

- To permit a side yard addition with a side setback of 8 feet in lieu of the required 35 feet. -

Revised 1/2022

THE ZONING PETITION PROPERTY DESCRIPTION

ZONING PROPERTY DESCRIPTION FOR: 4410 BUTLER RD, REISTERSTOWN, MD 21136

FOURTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

FOURTH COUNCIL DISTRICT, BALTIMORE COUNTY, MARYLAND

PART B:

BEGINNING for the same at a point in the pavement of Butler Road at the beginning of the first line of that parcel of land designated as "PARCEL NO. 2 – Butler Road Property", which by deed dated June 27, 2008 and recorded among the land records of Baltimore County, MD in Liber SM 27148, folio 358, was granted and conveyed by Margaret Matthews and Wachovia Bank, N.A., co-Personal Representatives of the Estate of Elizabeth Dinges, a/k/a Elizabeth Krouse Dinges, in the pavement of Butler Road as now surveyed by McKee and Associates, Inc., and referring the courses herein to the Maryland Coordinate System NAD83 (1991),

1st POC: S 27 33' 48" W, 274.38 ft, to a magnetic nail set, thence leaving said first line and said Butler Road and running for lines of division over, across and through the property of the grantor the following two (2) courses,

2nd POC: N 62 28' 26" W, passing over a rebar and cap set at a distance of 30.02 ft, for a total distance of 503.33 ft, to a rebar and cap set, and

3rd POC: N 23 10' 27" E, 235.72 FT, TO A REBAR AND CAP SET ON THE LAST LINE OF THE AFORESAID PARCEL IN Liber SM27148, folio 358, thence binding on part of said last line

4th POC: S 66 47' 19" E, passing over a rebar and cap set at a distance of 492.88 ft, for a total distance of 522.88 ft, to the point of beginning.

CONTAINING 130,680 square feet or 3.00 acres of land, more or less.

BEING known and designated as #4410 Butler Road.

ALSO BEING known as Lot 1, as shown on a Minor Subdivision Plan of "Morrill Property – Butler Road" as approved by Baltimore County Maryland as Minor Subdivision No. 08-062-M.

SUBJECT TO a Wooded Buffer as shown on said Minor Subdivision and being 75 feet in width and adjoining the first line of this description.

BEING part of that parcel of land designated as "PARCEL NO. 2 – Butler Road Property", which by deed dated June 27, 2008 and recorded among the land records of Baltimore County, MD in Liber SM 27148, folio 358, was granted and conveyed by Margaret Matthews and Wachovia Bank, N.A., co-Personal Representatives of the Estate of Elizabeth Dinges, a/k/a Elizabeth Krouse Dinges, deceased, unto Todd L. Morrill and Karen C. Morrill.

2023-0220-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 226693

Date: 10/19/23

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		650				\$ 75.00

Total: \$ 75.00

Rec From: GELMAN

For: ZONING VARIANCE (CASE# TBD)

4410 BUTLER ROAD

CASHIER'S
VALIDATION

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

LUCIA GELMAN 04-18
ANDRE GELMAN
4410 BUTLER ROAD
REISTERSTOWN, MD 21136

65-272/550

204

DATE 10/15/23

ONLINE www.baltimorecountymd.gov
SPECIALTY INK WITH SECURITY



PAY TO
THE ORDER OF

Baltimore County
Seventy Five and xx/100

\$ 75.00

DOLLARS

Heat
Reactive
Ink



Fowlesburg, Maryland 21155

MEMO

Zoning petition

[Signature]

MP

10550027231

402426351

00204

LOOK FOR FRAUD-DETERRING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.

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: November 13, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0220-A
Address: 4410 BUTLER RD
Legal Owner: Andre & Lucia Gelman

Zoning Advisory Committee Meeting of November 13, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn



1st Sign

2nd Sign

Posted @ 4410 Butler Road ~ 11/3/2023

CASE # 2023-0220-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/3/2023

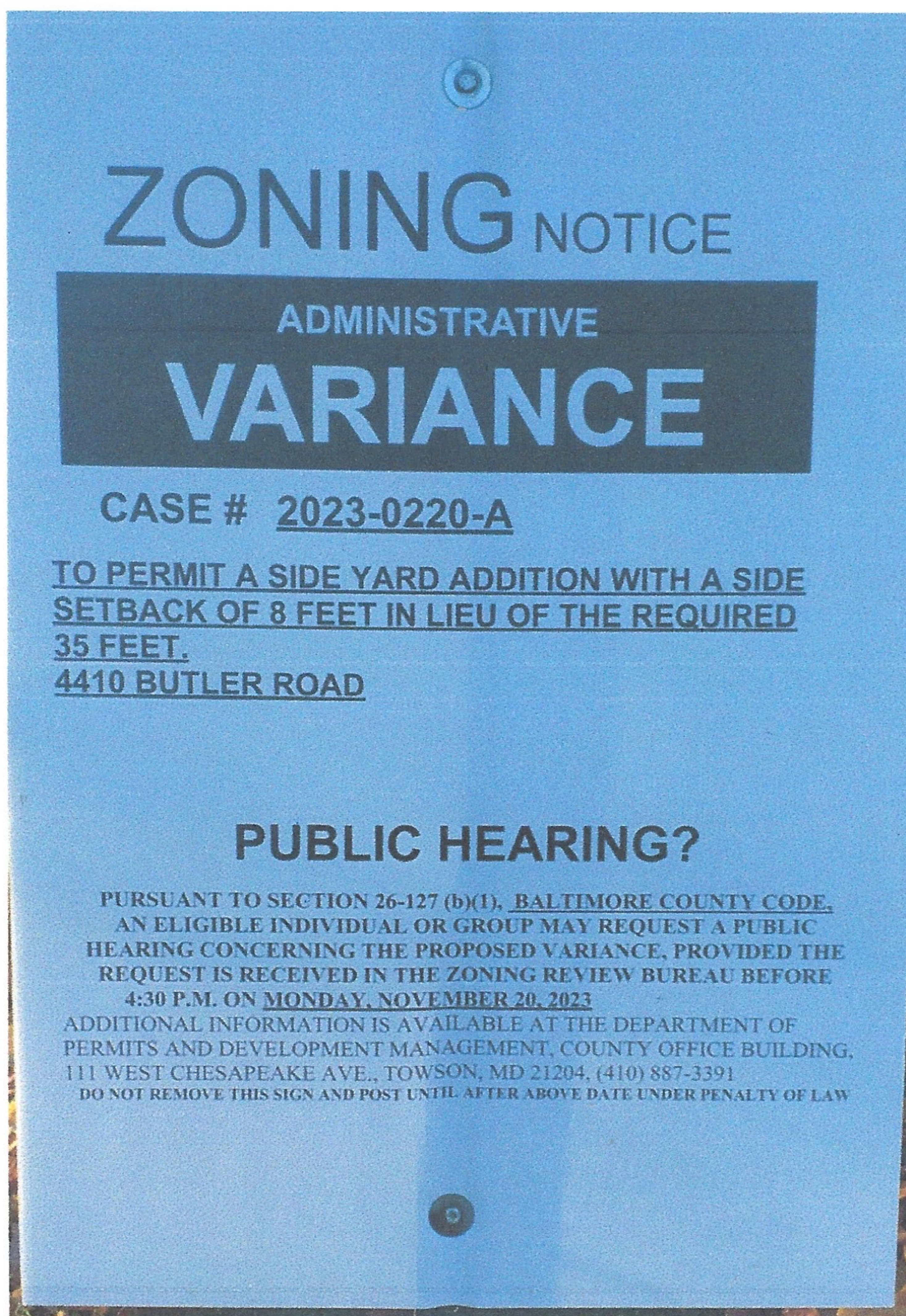
Case Number: 2023-0220-A

Petitioner / Developer: LUCY & ANDRE GELMAN

Date of Closing: NOVEMBER 20, 2023

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:
4410 BUTLER ROAD

The sign(s) were posted on: NOVEMBER 3, 2023



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 2500008982

Owner Information

Owner Name:	GELMAN ANDRE GELMAN LUCIA	Use:	RESIDENTIAL
Mailing Address:	4410 BUTLER RD REISTERSTOWN MD 21136-	Principal Residence:	YES
		Deed Reference:	/33020/ 00155

Location & Structure Information

Premises Address:	4410 BUTLER RD REISTERSTOWN 21136-	Legal Description:	3 AC MINOR SUB WS BUTLER RD 3600 FT SW LONGNECKER RD
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Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0040	0019	0186	4020022.04	0000			1	2022	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2013	3,458 SF		3.0000 AC	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	STUCCO/	5	3 full/ 1 half	1 Attached	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	108,000	108,000		
Improvements	431,100	484,300		
Total:	539,100	592,300	574,567	592,300
Preferential Land:	0	0		

Transfer Information

Seller: EAGLEUMPS LLC	Date: 01/08/2013	Price: \$240,000
Type: ARMS LENGTH IMPROVED	Deed1: /33020/ 00155	Deed2:
Seller: MORRILL TODD L	Date: 01/24/2012	Price: \$200,000
Type: ARMS LENGTH VACANT	Deed1: /31642/ 00371	Deed2:
Seller: DINGES ELIZABETH KROUSE	Date: 06/30/2008	Price: \$905,000
Type: ARMS LENGTH MULTIPLE	Deed1: /27148/ 00358	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

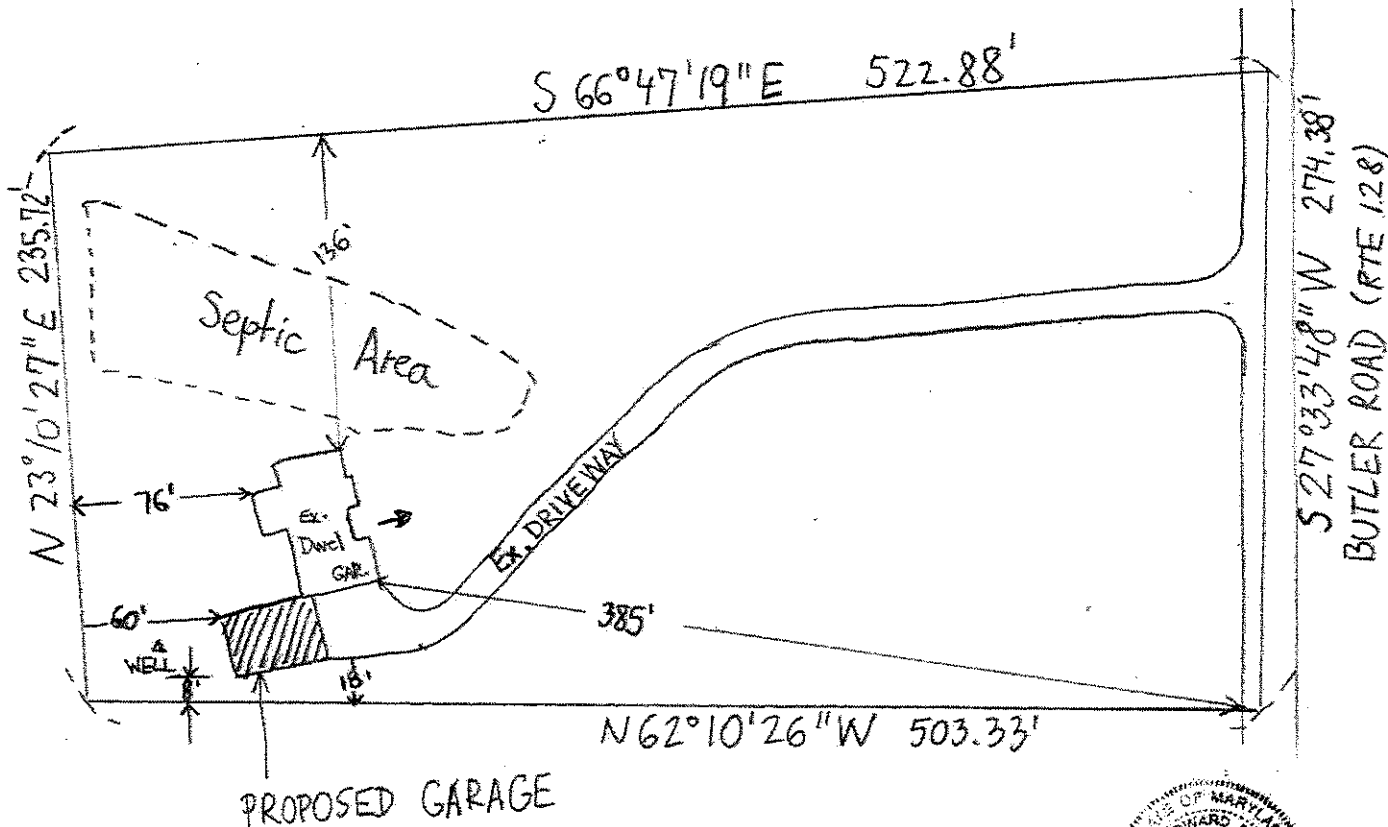
Homestead Application Information

Homestead Application Status: No Application

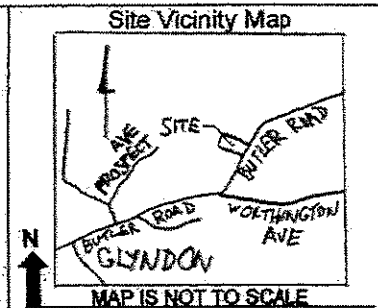
Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Zoning Hearing Plan for Variance X for Special Hearing _____ Mark Type Requested with (X)
 Address 4410 Butler Rd, Reisterstown MD 21136 Owners(s) Name(s) Andre Gelman, Lucia Gelman
 Subdivision Name MORRILL PROPERTY - BUTLER ROAD Lot # 1 Block # _____ Section # _____
 Plat Book # _____ Folio # 358 10 Digit Tax # 25 00008982 Deed Reference# 33020100155



Plan Drawn By David Ransone, Land Surveyor Date 09/11/2023 Scale: 1 inch = 50' Feet



Zoning Map # 0040
 Zoning RCZ
 Election District 4 ED
 Council District 4 CD
 Lot Area Acreage 3.00
 Lot Square Footage 130,680
 Historic (Yes or No) NO
 CBCA (Yes or No) NO
 Flood Plain (Yes or 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)

