

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

January 2, 2024

Donna Millman – <u>donnamillman@gmail.com</u> 14 Mamopa Court Reisterstown, MD 21136

RE:

Petition for Administrative Variance

Case No. 2023-0244-A Property: 14 Mamopa Court

Dear Ms. Millman:

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, Mauren Z. Murphy

MAUREEN E. MURPHY

Chief Administrative Law Judge

for Baltimore County

MEM:dlw Enclosure IN RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE

(14 Mamopa Court)

4<sup>th</sup> Election District \* OFFICE OF ADMINISTRATIVE

4<sup>th</sup> Council District

Donna Millman

\* HEARINGS FOR

\* BALTIMORE COUNTY

Petitioner \* CASE NO. 2023-0244-A

\* \* \* \* \* \* \* \*

#### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owner of the property, Donna Millman ("Petitioner") for the property located at 14 Mamopa Court, Reisterstown (the "Property"). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR"), §1A04.3.B.2.b and §400.1, to permit a side yard dwelling addition with a side setback of 40 ft. in lieu of the required 50 ft., and to permit an existing shed placed in the side yard in lieu of the required rear yard placement. The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1 (the "Site Plan"). Street view photographs of the Property were provided. (Pet. Exs. 2A-2D). An aerial photograph of the Property shows the extent of the improvements and forested area surrounding the Property. (Pet. Ex. 3). A Google Map of the Property shows its irregular shaped. (Pet. Ex. 4).

Zoning Advisory Comments ("ZAC") were received from the Department of Environmental Protection and Sustainability ("DEPS") and from Development Plans Review ("DPR") which agencies did not oppose the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the Property having been posted on December 10, 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 that comply with the requirements of § 307.1 of the BCZR. Furthermore, due to the Property's irregular shape and severe steep slopes, I find that 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 <u>2<sup>nd</sup></u> day of **January**, **2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR"), §§ 1A04.3.B.2.b and 400.1, to permit a side yard dwelling addition with a side setback of 40 ft. in lieu of the required 50 ft., and to permit an existing shed placed in the side yard in lieu of the required rear yard placement, be, and they are each hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

- 1. 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.
- 2. No improvements, including fences shall be constructed or installed in the Drainage and Utility Easement.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Mauren E. Murphy

Chief Administrative Law Judge

for Baltimore County

MEM: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 14 Mamona Court Reisterstown MD 21136 currently Zoned RC2 (RC5)
Deed Reference Plat ref. 038-corp Digit Tax Account # 170000000
Owner(s) Printed Name(s) Donna L. Millman
(SELECT THE HEARING(S) BY MARKING $\underline{\mathbf{X}}$ 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 ADMINISTRATIVE VARIANCE from Section(s)
BCZR: 1A04.3.B.2.b. $\&$ 400.1 $\rightarrow$ To permit a side yard addition with a side setback of 40 feet in lieu of the
required 50 feet, and to permit an existing shed placed in the side yard in lieu of the required rear yard
placement.
2ADMINISTRATIVE 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.  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):
Donna L. Millman
Name #1 - Type or Print Name #2 - Type or Print
Signature #1 Signature #2
14 Mamona Ct. Reisterstown MD
Mailing Address City State
21136, 410-456-4869 donnamilman@gmail.com Zip Code Telephone #'s (Cell and Home) Email Address
Attorney for Owner(s)/Petitioner(s): Representative to be Contacted:
Name - Type or Print  Name - Type or Print
Signature Signature
Mailing Address City State Mailing Address City State
Zip Code Telephone # Email Address Zip Code Telephone # Email Address
Zip doub Telephone # Limit Address Zip doub Telephone # Limit 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 2013 - 0244 - A Filing Date 11 / 30 / 23 Estimated Posting Date 12 / 10 / 23 Reviewer 35
Case minimen Late     Casumated Posting Date

# 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: Hampha Court Research 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

Address: Mamora Court	TECHOSTOWII	1.10		
Print or Type Address of Property	City	State	Zip Code	•
Based upon personal knowledge, the following are the	e facts upon which I/we base	e the request for an	Administrative	
Variance at the above address. (Clearly state pract	ical difficulty or hardship	here)	To addition to all	0
This home sits in the very back of				
long culide suc road, the drivewo	y gars down a stee	Phill to a la	naing on the righ	T
side of the home for parking. There is				940
Directly behind the parking area the lo				
6 feet before the thick worded extrem	ie dropall the way	down to a stro	eam. Due to the lo	wout
of the well being in front of the home	and the septic tot	ne left back,	there is no other	,
area to support a garage. The home sho	ous online and on t	he permit as	zoned RC2. The	ಲ
proposal was based on the 35 foot setto	ack. We have been	advised that w	<u>e need a variance</u>	2_
due to original coding back when land was	purchased for housing	g requiring a	50 feet setbact.	
This home was purchased to age in due.	to the one floor laye	ut. I Knew we	needed a garage	
added calke these old hones cannot be s	shoveling cars out in 4)	ne winter. The	ink you in savance	lu.
for your consideration of this variance. Spartly (If additional space for the petition request or the	oke with neighbors and a	they do not oppose	ose the garage cold	Hion.
(iradational space for the petition request of the	above statement is neede	u, label allu attabl	in to the rolling	
Signature of Owner (Affiant)	Signature of Ov	vner (Affiant)	\(\tag{\tag{\tag{\tag{\tag{\tag{\tag{	
7				
Vonna L. Millman Name - Print or Type	Name - Print or	Type	<del>_</del>	
Tune Type				
The following information is to be cor	moleted by a Notary Pul	olic of the State	of Marvland	
•				
STATE OF MARYLAND, COUNTY OF BALTIMORE	ŧ	1		
I HEREBY CERTIFY, this	sember, 202	before me a	Notary of Maryland, in	
Print name(s) here: Donna L. Mi	llman			
the Affiant(s) herein, personally known or satisfactoril	ly identified to me as such A	iffiant(s).		
AS WITNESS my hand and Notaries Seal				
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	40 all 10	- EVELO OF TO		

Notary Public 4/2/2024

My Commission Expires

# 14 MAMOPA COURT

17-00-000606

# **Property Description**

- A: Located at the Cul-de-sac of Mamopa Court (50' row) approximately 974 feet +/ East of the intersection with Pleasant Grove Road (20' row).
- B: Being Lot #7 in the subdivision of Pleasant Run as recorded in Baltimore County Plat Book #38, Folio #2. Containing 2.082 acres located in the 4th Election District and the 4th Council District.

2023-0244-A

## **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 14 Mamona Court Reisterstown MD 21136 currently Zoned RC2 (RCS)
Deed Reference Plat ref. 038-000 Digit Tax Account # 170000 606
Owner(s) Printed Name(s) Dong L. Millman
(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 ADMINISTRATIVE VARIANCE from Section(s)
BCZR: 1A04.3.B.2.b. & 400.1 $\rightarrow$ To permit a side yard addition with a side setback of 40 feet in lieu of the
required 50 feet, and to permit an existing shed placed in the side yard in lieu of the required rear yard
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2ADMINISTRATIVE 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.  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):
Donna L. Millman
Name #1 - Type or Print Name #2 - Type or Print
Signature #2
14 Mamona Ct. Reisterstown MD
Mailing Address  City State  21136   Hip - 456-4869   danger varily com
21136, 410-456-4869 donnamillman@gmail.com Zip Code Telephone #'s (Cell and Home) Email Address
Attorney for Owner(s)/Petitioner(s): Representative to be Contacted:
Name - Type or Print  Name - Type or Print
Signature Signature
Mailing Address City State Mailing Address City State
Zip Code Telephone # 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
Case Number 2013 - 0244 - A Filing Date 11 130 1 23 Estimated Posting Date 12 110 123 Reviewer 35

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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: 14 Mamora Court	Reisterstown	MD	21136
Print or Type Address of Property	City	State	Zip Code
Based upon personal knowledge, the following are to Variance at the above address. (Clearly state pra	ctical difficulty or hardship here	∍)	ME 9409 (951 1640)
This home sits in the very back			
long culide sac road, the drivers side of the home for parking. There is			
Directly behind the parking area the			
6 feet before the thick worder extrem			
of the well being in front of the hon			
area to support a garage. The home s			
proposal was based on the 35 foot set			
due to original coding back when land wo	1000 N	QC 00	3 3440 H HEE ST
This home was purchased to age in dur	,	13	
added coire where old house conneths	shoveling care out in the	winter. The	ink you in advance
for your consideration of this variance. Si (If additional space for the petition request or the	pake with neighbors and the e above statement is needed, is	del and attack	it to this form)
Signature of Owner (Affiant)	Signature of Owner	(Affiant)	
Donna L. Millman			
Name - Print or Type	Name - Print or Typ	е	
		-541 04-4-	
The following information is to be c	ompleted by a Notary Public	or the State	or waryiano
STATE OF MARYLAND, COUNTY OF BALTIMON	1 1		
and for the County aforesaid, personally appeared:		_, before me a	Notary of Maryland, in
Print name(s) here: <u>Donna L. M</u>	illman		
the Affiant(s) herein, personally known or satisfactor	orily identified to me as such Affiar	nt(s).	
Notary Public  H(2/2024	OSERA W. MA	NO ART	
My Commission Expires	Public Public Col	DO THE STATE OF TH	

# 14 MAMOPA COURT

17-00-000606

# **Property Description**

- A: Located at the Cul-de-sac of Mamopa Court (50' row) approximately 974 feet +/ East of the intersection with Pleasant Grove Road (20' row).
- B: Being Lot #7 in the subdivision of Pleasant Run as recorded in Baltimore County Plat Book #38, Folio #2. Containing 2.082 acres located in the 4th Election District and the 4th Council District.

2023-0244-A

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

# **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Nur	mber: 2023 -0244 -A Address 14 MAMOPA COURT
Contact	Planner, Please Print Your Name  Phone Number: 410-887-3391
	Planner, Please Print Your Name
Filing Da	te: 11 30 23 Posting Date: 12 10 23 Closing Date: 12 25 23
Any cont	act made with this office regarding the status of the administrative variance should be through the person (planner) using the case number.
p s z	OSTING/COST: The petitioner must use one of the sign posters on the approved list and the etitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the gn posters on the approved list and the petitioner is again responsible for all associated costs. The oning notice sign must be visible on the property on or before the posting date noted above. It should emain there through the closing date.
a	EADLINE: The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file 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.
n fe n T	RDER: After the closing date, the file will be reviewed by the Administrative Law Judge. The judge nay: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in a public hearing. If all County/State agencies' comments are received, you will receive written offication as to whether the petition has been granted, denied, or will proceed to a public hearing his decision is usually made within 10 days of the closing date. The written order will be mailed to you y First Class mail.
t fo a	OSSIBLE 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 browneded 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 latered sign must be forwarded to this office.
Petition	er: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Nu	mber: 2023 -0244 -A Address 14 MAMORA COURT
Posting I	Pr's Name: DONNA MILLMAN Telephone (Cell) 410-456-4869  Date: 12/10/23 Closing Date: 12/25/23
	for Sign: To Permit
	it a side yard addition with a side setback of 40 feet in lieu of the required 50 feet, and to permiting shed placed in the side yard in lieu of the required rear yard placement.

Revised 1/2022

# 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 - 0244 - A
Property Address: 14 Mamopa Court, Reiskrstown, MD 21136
Legal Owners (Petitioners): Donna L. Millman
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: Company/Firm (if applicable):
Address: 14 Mamopa Court
Reisterstown MD 21136
Telephone Number: 410 - 456 - 4869

<sup>\*</sup>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.

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Peter Gutwald, Director

DATE: December 12, 2023

Department of Permits, Approvals

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For December 12, 2023 Item No. 2023-0244-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPW-T: N/C

DPR: N/C

Landscape: N/C

Rec & Parks: N/C & No Greenways affected

VKD: JK cc: file



#### **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: December 7, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0244-A

Address: 14 MAMOPA CT. Legal Owner: Donna Millman

Zoning Advisory Committee Meeting of December 12, 2023.

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

#### **Additional Comments:**

Reviewer: Earl D. Wrenn



## Permits, Approvals and Inspections

111 W CHESAPEAKE AVE TOWSON, MD 21204 4108873353 WWW.BALTIMORECOUNTYMD.GO V

Cashier: Jason S. 21-Nov-2023 2:24:34P

Transaction 102052

1 Petition Before ALJ \$75.00

Total

\$75.00

CREDIT CARD SALE MASTERCARD 8892

\$75.00

Retain this copy for statement validation

Station: Permit Processing - Mini

21-Nov-2023 2:24:46P \$75.00 | Method: EMV

MASTERCARD

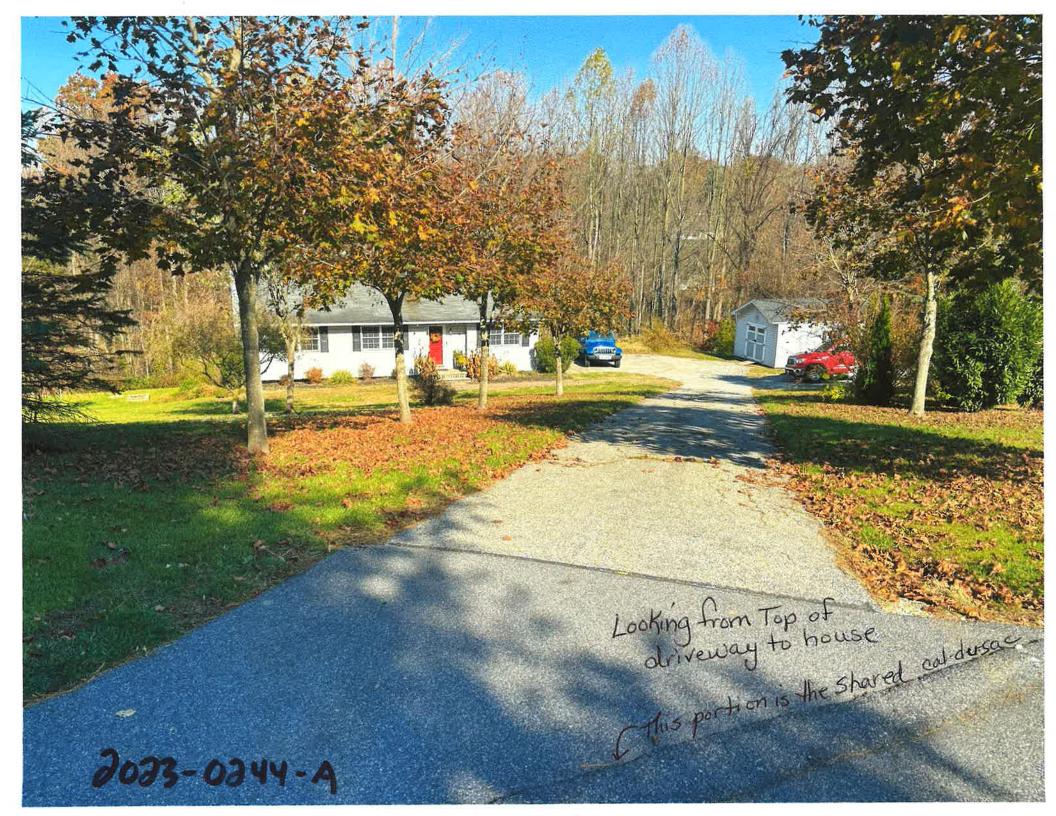
XXXXXXXXXXX8892 DONNA MILLMAN

Reference ID: 332500553513

Auth ID: 03399Z MID: \*\*\*\*\*\*2995 AID: A0000000041010 AthNtwkNm: MASTERCARD

**SIGNATURE** 

Clover ID: CNYPD4MJXDAEY Payment 0CT1HJ8TDDT6R



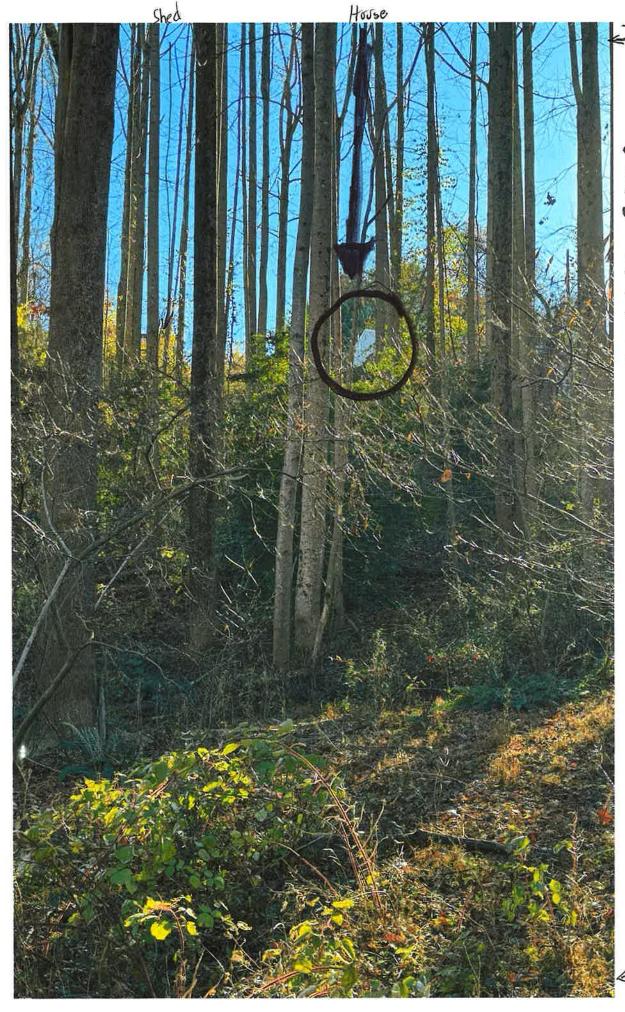
Behind Shed - Standing 1/2 way down the hill showing the drop off behind parking pad.



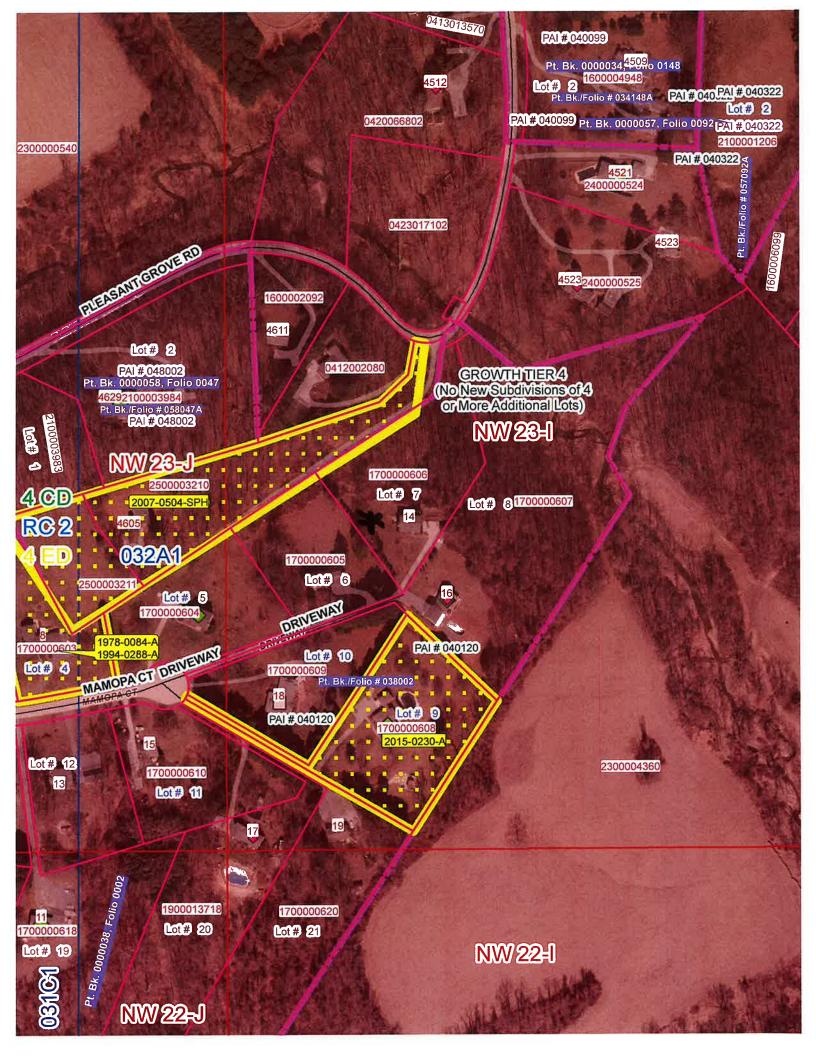
Left side of house - Septic in this area (round concrete cover)



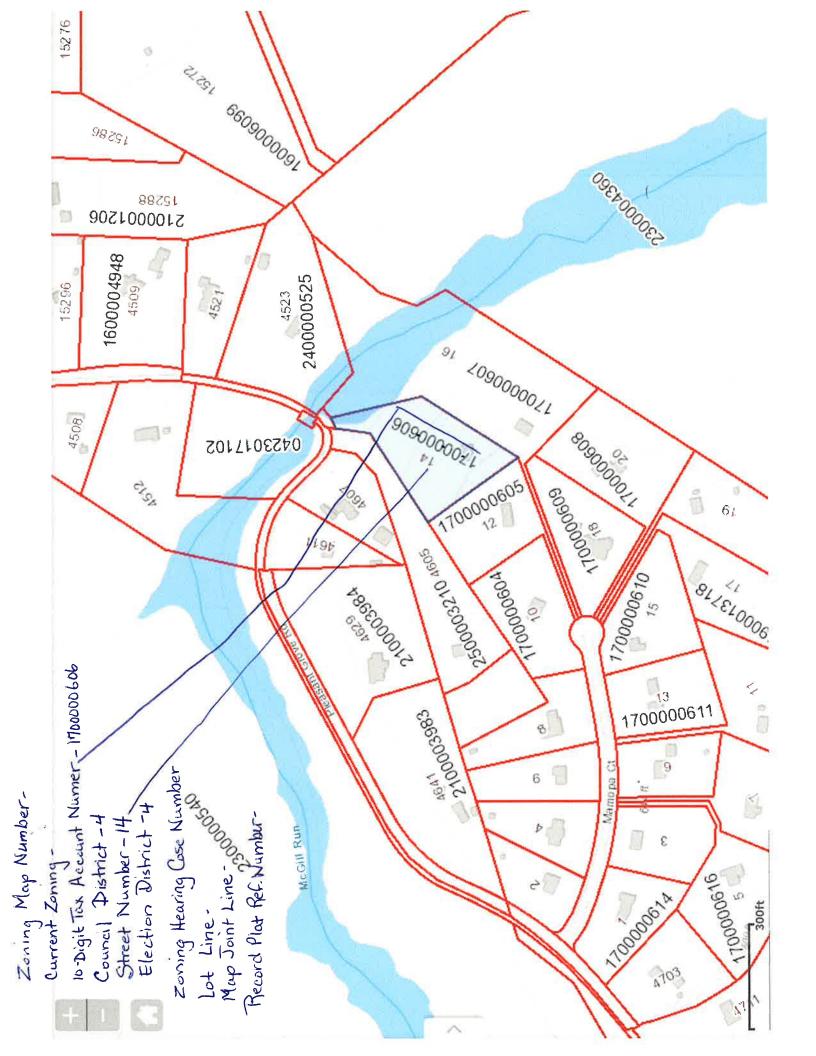
# 2003-0244-A



← Bottom







ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING Millman \_\_\_OWNER(S) NAME(S) \_\_ Donna 14 Mamopa Court SECTION # Pleasant Run SUBDIVISION NAME 10 DIGITTAX \$ 1700000606 DEED REF. # 482 28100304 PLAT BOOK# 38 FOLIO# 2 LOCATION DRAWING FOR:

14 Mamopa Court

Liber 32900 Folio 233, Lot 7

Plat 38/2, Accl #04~1700000506
2.08 Acres, Boltimore County 1" = 60' 10/19/23

ZONING MAPE <u>032A</u>/ SITE ZONED RC2 (RC5 ELECTION DISTRICT COUNCIL DISTRICT LOT AREA ACREAGE 2.082 OR SQUARE FEET HSTORK? IN CECA? INFLOOD PLAIN? No UTILITIES? MARK WITH) WATER IS: PUBLIC PRIVATE X SEWER IS: PUBLIC PRIVATE X PROR HARING? No. IE 20 CHAE CARE MINNEER AND ORDER RESULT BELOW VIOLATION CASE INFO:

SITE VICINITY MAP



PLAN DRAWN BY

SCALE: I INCH = 80 FEET

Porch and garage addition

2023-0244-A