



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

June 20, 2024

William A. Rowe, III and Mary Ellen Rowe – bmerowe@verizon.net
710 Milldam Road
Towson, MD 21286

RE: Petition for Administrative Variance
Case No. 2024-0136-A
Property: 710 Milldam Road

Dear Mr. and Mrs. Rowe:

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 blue ink signature of Andrew M. Belt, written in a cursive style.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlw
Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(710 Milldam Road)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
William A. Rowe, III & Mary Ellen Rowe	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2024-0136-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, William A. Rowe, III & Mary Ellen Rowe (“Petitioners”) for the property located at 710 Milldam Road, Towson (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), Section 400.3, to approve an accessory building (garage) in the left rear yard at a height of 20 ft. in lieu of the required 15 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-2C). 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 June 2, 2024 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 affidavit as required by Section 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 Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the detached garage, I will impose conditions that the detached garage shall not be converted into a dwelling unit or apartment, shall not contain any sleeping quarters, living area, kitchen or bathroom facilities, and will not have separate electric or utility connections, or used for commercial purposes.

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 **20th** day of **June, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations (“BCZR”), Section 400.3, to approve an accessory building (garage) in the left rear yard at a height of 20 ft. in lieu of the required 15 ft., and it is hereby, **GRANTED**; and

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.
2. Petitioners and subsequent owners shall not convert the detached garage into a dwelling unit or apartment. The detached garage shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities.
3. The detached garage shall not have a separate utility or electric connection and shall connect all electrical to the home.

4. The detached garage shall not be used for commercial or industrial purposes.

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 710 Milldam Rd, Towson, Maryland 21286 Currently Zoned DR1; PC7
Deed Reference 35274 / 1 0193 10 Digit Tax Account # 0914400000
Owner(s) Printed Name(s) William Rowe Mary Rowe

(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 400.3 To approve an accessory building (garage) in the left rear yard at a height of 20 ft in lieu of the required 15 ft

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):

<u>William A. Rowe, III</u>	/	<u>Mary Ellen Rowe</u>
Name #1 – Type or Print		Name #2 – Type or Print
<u>William A. Rowe, III</u>	/	<u>Mary Ellen Rowe</u>
Signature #1		Signature #2
<u>710 Milldam Rd</u>		<u>Towson</u> <u>Maryland</u>
Mailing Address		City State
<u>21286</u> / <u>443-415-8225</u>		<u>bmerowe@verizon.net</u>
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 2024-0136-A Filing Date 5/24/2024 Estimated Posting Date 6/2/2024 Reviewer CF

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: 710 Milldam Rd Towson Maryland 21286
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)

The main portion of the residence at 710 Milldam Rd has a
roof with a 6/12 pitch. An Administrative Variance from
Section 400.3, height of accessory buildings, is requested to
construct an accessory building (garage) with a 6/12 pitch
to match the main portion of the residence, with a height
not to exceed 20 feet.

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

William A. Rowe, III
Signature of Owner (Affiant)

William A. Rowe III
Name - Print or Type

Mary Ellen Rowe
Signature of Owner (Affiant)

Mary Ellen Rowe
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 22nd day of May, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: William A. Rowe, III AND Mary Ellen Rowe

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

AS WITNESS my hand and Notaries Seal

James A. Schick James A. Schick
Notary Public

9/20/2026
My Commission Expires

2024-0136-A

ZONING PROPERTY DESCRIPTION FOR 710 MILLDAM ROAD, TOWSON, MARYLAND
21286

Beginning at a point on the north side of Milldam Road which is 50 feet wide at the distance of 816.4 feet east of the centerline of the nearest improved intersecting street E. Seminary Avenue which is 50 feet wide.

Being Lot #4 in the subdivision of Section "A" Hampton as recorded in Baltimore County Plat Book TBS #16, Folio #78 containing 1.14 acres. Located in the 9th Election District and 3rd Councilmanic District.

2024-0136-A

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024 - 0136 -A Address 710 Milldam Rd
Contact Person: Christina Frank Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5-24-2024 Posting Date: 6-2-2024 Closing Date: 6-17-2024

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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.
- 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: 2024 - 0136 -A Address 710 Milldam Rd
Petitioner's Name: William & Mary Rowe Telephone (Cell) 443-415-8225
Posting Date: 6-2-2024 Closing Date: 6-17-2024
Wording for Sign: To Permit an accessory building (garage) in the left rear yard at a height of 20 ft in lieu
of the required 15 ft

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

No. 231820

Date: 5-24-2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					75.00

Total: 75.00

Rec From: 710 Milldam Rd

For: 2024-0136-A

DBI

DISTRIBUTION

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

CASHIER'S
VALIDATION

CF 24-0506

WILLIAM A ROWE III 07-91
MARY ELLEN ROWE
710 MILLDAM RD
BALTIMORE, MD 21286-1429

7016

7-163/520 MD
5156

May 23, 2024
Date

Pay to the Order of Baltimore County \$ 75.00
Seventy Five and 00/100 Dollars

BANK OF AMERICA

ACH # 052001633
Administrative Zoning Petition
For RA 24-02990

William A. Rowe III

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 4, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0136-A
Address: 710 MILLDAM RD
Legal Owner: William & Mary Rowe

Zoning Advisory Committee Meeting of June 4, 2024.

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

1. If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
 - a. The site plan submitted would not be acceptable for building permit approval by Ground Water Management.
 - b. Ground Water Management approval must be obtained prior to approval of the building permit. Requirements for approval will include submission of a site plan that meets GWM site plan requirements, and an OSDS inspection report locating all septic system components, and may also include submission of perc test application and/or conducting additional percolation testing and potentially installing a new septic system or upgrading the existing septic system.
 - c. A new web application that allows for scaled maps to be easily created for properties in Baltimore County. The new web tool or “app” was originally developed by Department of Environmental Protection and Sustainability (DEPS) and Office of Information Technology (OIT) to help property owners and contractors prepare site plans that comply with Ground Water Management site plan requirements for properties served by private wells and septic systems (see attached requirements and site plan app instructions). Applicants can create acceptable site plans for submission as part of their permit applications for razing existing structures, accessory structures, decks, propane tanks, and minor additions. Maps created by

this tool are not acceptable for submission with permits for new single-family dwelling construction, replacement dwellings, major additions, or pools. This information is available on the Ground Water Management website:

<https://www.baltimorecountymd.gov/departments/environment/ground-water-management/>

Additional Comments:

Reviewer: Mia Lowery, L.E.H.S.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: May 30, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0136-A

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

DPR: No comment.

DPW-T: No exception taken.

Landscaping: No comment.

Recreations & Parks: No comment LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director **DATE:** May 29, 2024
Department of Permits, Approval, and Inspections

FROM: Derek M. Chastain
Bureau of Building Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0136-A

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

BPR: No comments

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)
[View GroundRent Redemption](#)
[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 09 Account Number - 0914400000

Owner Information

Owner Name:

 ROWE WILLIAM A III
 ROWE MARY ELLEN

Use:

RESIDENTIAL

Principal Residence:

YES

Mailing Address:

 710 MILLDAM RD
 BALTIMORE MD 21286-1429

Deed Reference:

/35274/ 00193

Location & Structure Information

Premises Address:

 710 MILLDAM RD
 BALTIMORE 21286-1429

Legal Description:

HAMPTON

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 2

0061 0016 0304 9100107.04 0000 A 4 2023 Plat Ref: 0016/ 0078

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

1953 1,968 SF 1,1400 AC 04

StoriesBasementType

ExteriorQualityFull/Half BathGarage

Last Notice of Major Improvements

1 YES STANDARD UNITFRAME/5 2 full 1 Attached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	211,100	211,100		
Improvements	272,500	341,600		
Total:	483,600	552,700	506,633	529,667
Preferential Land:	0	0		

Transfer Information

Seller: WATSON MARY LOU

Date: 08/18/2014

Price: \$475,000

Type: ARMS LENGTH IMPROVED

Deed1: /35274/ 00193

Deed2:

Seller: BROWN KENNETH H

Date: 08/11/1989

Price: \$215,000

Type: ARMS LENGTH IMPROVED

Deed1: /08247/ 00040

Deed2:

Seller:

Date:

Price:

Type:

Deed1:

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

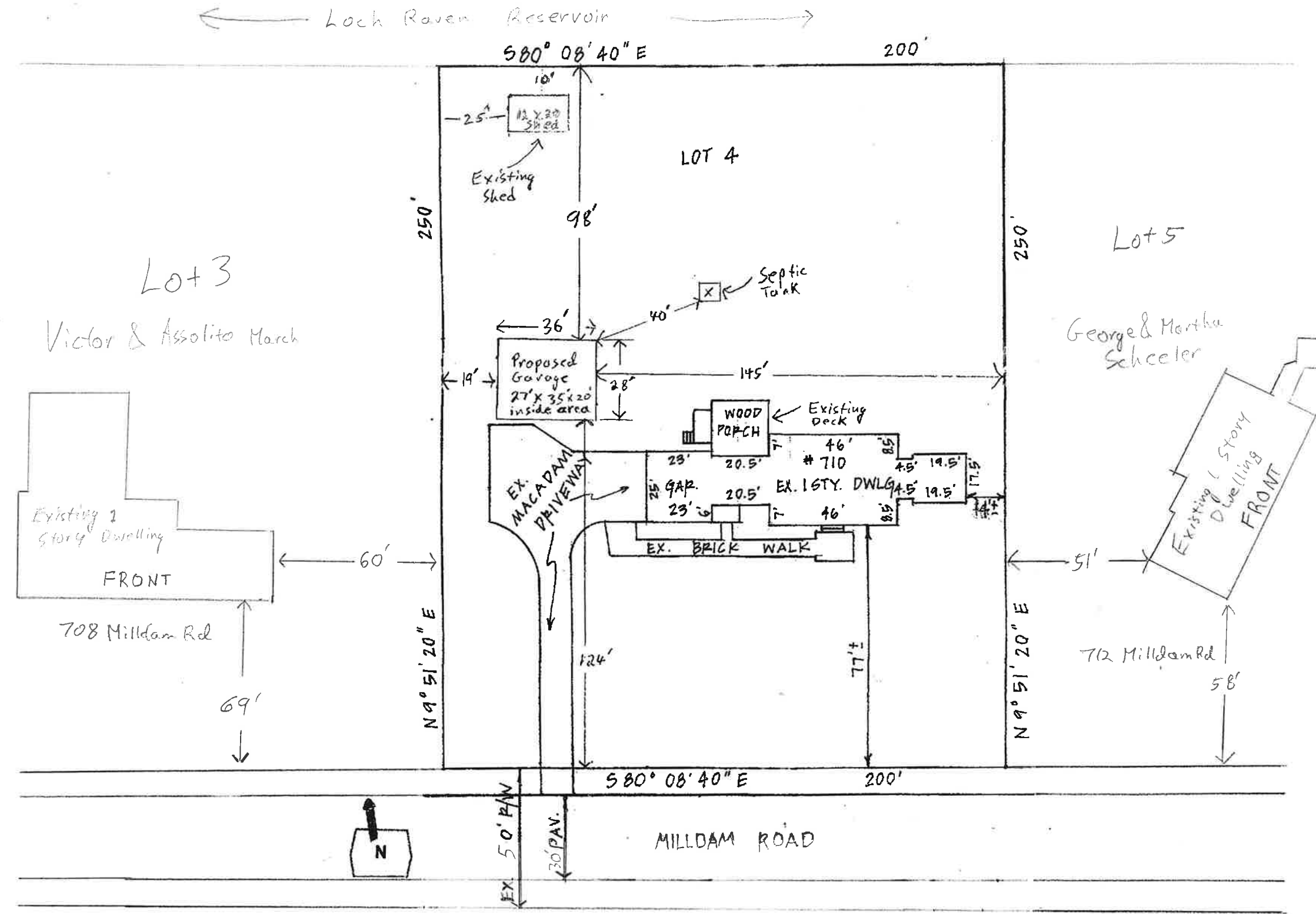
Homestead Application Status: Approved 05/18/2015

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0136-A

Zoning Hearing Plan for Variance X for Special Hearing _____ Mark Type Requested with (X)
 Address 710 Milldam Rd Owners(s) Name(s) William A. Rowe III Mary Ellen Rowe
 Subdivision Name Hampton Plat 2 Lot # 4 Block # N/A Section # A
 Plat Book # TBS 16 Folio # 78 10 Digit Tax # 0914400000 Deed Reference # 35274100193



Site vicinity Map

MAP IS NOT TO SCALE

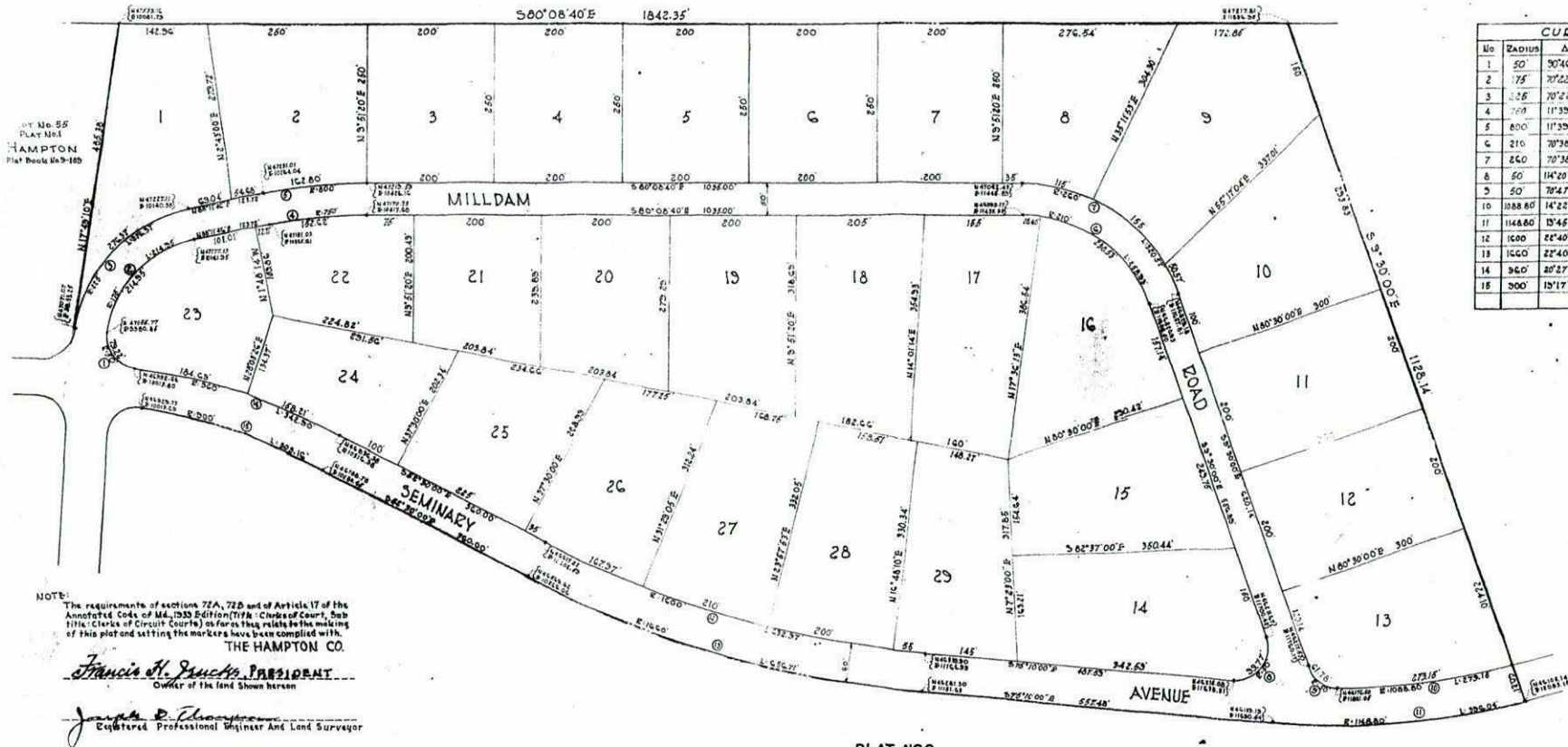
Zoning Map # 06182
 Zoning DR1; RC7
 Election District 9
 Council District 3
 Lot Area Acreage 1.14
 Lot Square Footage 49,658.0
 Historic (Yes or No) No
 CBCA (Yes or No) No
 Flood Plain (Yes or No) No
 Utilities - Mark with (X)
 Water is: Public X Private _____
 Sewer is: Public _____ Private X
 Prior Hearing (Yes or No) No
 If (Yes) list Case Number(s) and order result(s) below:

 Violation Case Number(s)

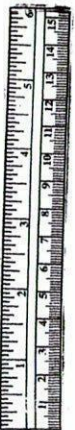
Plan Drawn By William A. Rowe III Date 5/23/2024 Scale: 1 inch = 40 Feet

2024-0136-A

Plat No. 2 Section A Hampton Book TBS #16, Folio #78 Lot 4 710 Milldam Rd. 1.14 acres



CURVE DATA						
No	RADIUS	Δ	ARC	TAN	CHORD	L.C.D.
1	50'	30°46'30"	73.22	50.65	71.15	N27°34'05"W
2	75'	27°22'30"	214.95	234.0	201.69	N59°00'26"E
3	125'	70°24'30"	276.37	368.65	259.32	N43°00'26"E
4	250'	11°35'34"	162.42	76.58	162.36	S45°58'27"E
5	800'	11°35'34"	162.80	81.60	162.52	S45°58'27"E
6	210'	70°35'40"	258.53	148.81	242.83	S44°45'30"E
7	250'	70°35'40"	320.67	184.84	300.65	S44°45'30"E
8	50'	14°20'00"	35.77	77.45	64.03	N47°40'00"E
9	50'	78°47'34"	61.78	35.63	57.92	S44°23'47"E
10	1588.60'	14°22'24"	273.15	117.30	272.43	S67°26'47"E
11	1148.60'	15°45'08"	396.04	200.00	394.08	S65°02'34"E
12	1000'	22°40'00"	682.97	320.64	688.85	S53°00'00"E
13	1000'	22°40'00"	682.71	320.71	682.44	S53°00'00"E
14	960'	20°27'50"	342.90	173.90	341.08	S62°41'68"E
15	900'	15°17'58"	303.16	153.05	301.72	S62°08'52"E



PLAT NO. 2
SECTION "A"
HAMPTON
A DEVELOPMENT OF
THE HAMPTON COMPANY
9TH ELECTION DISTRICT BALTIMORE COUNTY
Scale: 1"=100'
September 14, 1950

HIGHWAYS DEPARTMENT OF BALTIMORE COUNTY
APPROVED FOR STREET ALIGNMENT AND LOCATION
By *J. F. C. Effitt*
ROAD ENGINEER
Oct 10 25 1950
DATE

A. APPROVED FOR BALTIMORE COUNTY PLANNING COMMISSION
By *Melvin H. Dill*
DIRECTOR
Oct. 9, 1950
DATE

THOMPSON, GRACE AND MAYS, INC.
ENGINEERS-CONTRACTORS
FIDELITY TRUST COMPANY BLDG.
TOWSON 4, MARYLAND

2024-0136-A

RC 7

0813020871

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

Lot # 3

0918000590

061B2

708

9 ED

3 CD

NE 12-B

Lot # 4

0914400000

Pt. Bk. 0000016, Folio 0078

710

Lot # 5

0923500000

712

PAI # 090033

Pt. Bk./Folio # 016078E

PAI # 090033

DR 1

MILLDAM RD

Lot # 22

0919002390

Lot # 21

0923006960

Lot # 20

0908550020

Lot # 19

0905960140

2024-0136

Towson, Md 21286

Google Maps 710 Milldam Rd

Towson, Maryland

Google Street View

Jul 2022 See more dates



Image capture: Jul 2022 © 2024 Google

Front of residence



2024-0136-A

TOWSON, Md 21286

Google Maps 710 Milldam Rd

Towson, Maryland

Google Street View

Jul 2022 See more dates



Image capture: Jul 2022 © 2024 Google

Left Front of residence



2024-0136-A

Towson, Md 21286

Google Maps 710 Milldam Rd

Towson, Maryland

Google Street View

Jul 2022 See more dates



Image capture: Jul 2022 © 2024 Google



Left Front of residence
 Showing driveway and
 proposed garage location
 at end of driveway where
 a fence is shown

2024-0136-A