



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

August 28, 2024

Masetsaba Kambui Woodland
Jinaki Talibah Kambui
7025 Upper Mills Circle
Baltimore, MD 21228

RE: Petition for Administrative Variance
Case No. 2024-0182-A
Property: 7025 Upper Mills Circle

Dear Petitioners:

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, appearing to be "Derek J. Baumgardner", is written over the word "Sincerely,".

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlw
Enclosure

c: Michelle Clancy – anapermits@gmail.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(7025 Upper Mills Circle)		
1 st Election District	*	OFFICE OF ADMINISTRATIVE
1 st Council District		
Masetsaba Kambui Woodland &	*	HEARINGS FOR
Jinaki Talibah Kambui		
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2024-0182-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, Masetsaba Kambui Woodland and Jinaki Talibah Kambui (“Petitioners”) for the property located at 7025 Upper Mills Circle, Baltimore (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), Section 301.1, to approve an open projection (deck) in the rear yard with a setback of 4.5 ft. in lieu of the required 11.25 ft. (vested 1981 Record Plat).

The Property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence (the “Site Plan”). (Pet. Ex. 1). Photographs were submitted showing the location of the Property in a residential neighborhood. (Pet. Ex. 2A-2C). There were no adverse Zoning Advisory Committee (“ZAC”) comments received by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on August 10, 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.

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 **August, 2024**, by the Administrative Law Judge for Baltimore County Zoning Regulations ("BCZR"), Section 301.1, to approve an open projection (deck) in the rear yard with a setback of 4.5 ft. in lieu of the required 11.25 ft. (vested 1981 Record Plat), be and is hereby **GRANTED**.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB: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 7025 Upper Mills Circle, Baltimore MD 21228 Currently Zoned DR2
Deed Reference 40122 / 00341 10 Digit Tax Account # 1 8 0 0 0 0 7 0 4 2
Owner(s) Printed Name(s) Masetsaba Kambui Woodland & Jinaki Talibah Kambui

(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 301.1 To approve an open projection (deck) in the rear yard with a setback of 4.5 ft in lieu of the required 11.25 ft (vested 1981 Record Plat)

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):

Masetsaba Kambui Woodland / Jinaki Talibah Kambui
Name #1 – Type or Print Name #2 – Type or Print
[Signature] / [Signature]
Signature #1 Signature #2
7025 Upper Mills Circle Baltimore MD
Mailing Address City State
21228 / 667-219-0656
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:

Michelle Clancy
Name - Type or Print
[Signature]
Signature
PO Box 310 Lisbon MD
Mailing Address City State
21765 / 443-610-7514 / anapermits@gmail.com
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 2024-0182-A Filing Date 7/29/2024 Estimated Posting Date 8/11/2024 Reviewer 11

Affidavit in Support of Administrative Variance
(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

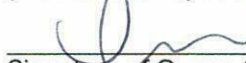
The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in 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.

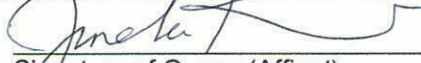
Address: <u>7025 Upper Mills Circle</u>	<u>Baltimore</u>	<u>MD</u>	<u>21228</u>
Print or Type Address of Property	City	State	Zip Code

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 are requesting a 25.5' variance to the required 30' rear setback on our residential property located at 7025 Upper Mills Circle, Baltimore MD 21228. We are proposing to construct a 24' x 24' irregular shape open deck with steps to grade. As you can see from the plans provided, the deck is not a true 24' x 24' square but rather more of a 12' x 20' rear deck with a 12' x 16' front deck which is offset. The lot is a corner lot with frontage on Upper Mills Circle as well as Crooked Willow Court. It is this unique configuration that conveys the practical difficulty. The existing driveway loads from Crooked Willow while the front door faces Upper Mills. Because the rear is considered the yard opposite of the front, we are being held to a 30' setback to the property line that runs perpendicular to Crooked Willow. That in itself is problematic because the house is only 20.5' from the property line by itself. More problematic, this proposed deck is replacing an existing deck nearly in kind minus the steps. The strict application of the zoning code would prevent any deck in the rear which is an undue hardship not shared by our neighbors. Enjoying and using a rear amenity space is nearly ubiquitous through the community. Not being able to replace what we have creates the difficulty of living with a failing structure. This is all due to the odd configuration, size and shape of the lot, and placement of the dwelling.

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


Signature of Owner (Affiant)
Masetsaba
Woodland Kambui
Name - Print or Type


Signature of Owner (Affiant)
Jinaki Kambui
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:

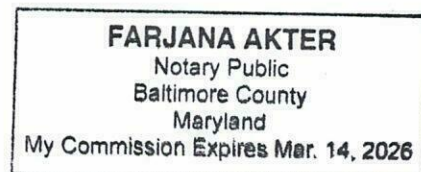
I HEREBY CERTIFY, this 14 day of June, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Masetsaba Kambui Woodland And Jinaki Talibah Kambui Nnabuike

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

AS WITNESS my hand and Notaries Seal


Notary Public
March 14, 2026
My Commission Expires



2024-0182-A

ZONING PROPERTY DESCRIPTION FOR

7025 Upper Mills Circle, Baltimore MD 21228

Beginning at a point on the south side of Upper Mills Circle which is 40 feet wide at the distance of 15 feet east of the centerline of the nearest improved intersecting street (Crooked Willow Court) which is 30 feet wide.

Being Lot # 19, Block H, Section S2 in the subdivision of Ellicott Mills as recorded in Baltimore County Plat Book # 0047, Folio # 0131, containing 11,533 square feet. Located in the 1st Election District and 1st Councilmanic District.

2024-0182-A

CERTIFICATE OF POSTING

CASE NO. 2024-0182-A

PETITIONER/DEVELOPER

Michelle Clancy

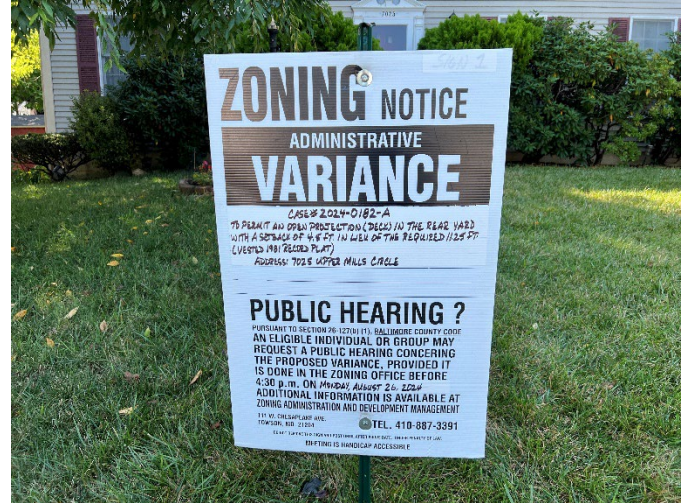
DATE OF HEARING/CLOSING

August 26, 2024

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT
7025 Upper Mills Circle



THE SIGN(S) POSTED ON August 10, 2024
(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

A handwritten signature in black ink, appearing to read 'Martin Ogle', written over a horizontal line.

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024-0182 -A Address 7025 UPPER mills CIR

Contact Person: Christine Fink Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7-29-2024 Posting Date: 8-11-2024 Closing Date: 8-26-2024

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 -0182 -A Address 7025 UPPER mills CIR

Petitioner's Name: Michelle Clancy Telephone (Cell) 443-6107514

Posting Date: 8-11-2024 Closing Date: 8-26-2024

Wording for Sign: To Permit an open projection (deck) in the rear yard with a setback of 4.5 ft in lieu of the
required 11.25 ft (vested 1981 Record Plat)

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

No. 233435

Date: 7-29-2024

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept	Obj	BS Acct	Amount
				Source/	Rev/						
001	806	0000		0150							75.00

Total: 75.00

Rec From: 7025 Upper Mills Cir

For: 2024-0182-A

022

DISTRIBUTION

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

CASHIER'S
VALIDATION

CF 24-0689

Applied & Approved Permits LLC
PO BOX 310
Lisbon MD 21765
443-610-7514

8886

65-330/550

PAY
TO THE
ORDER OF

DATE 7/14/24

Baltimore County
Sincerely, fine

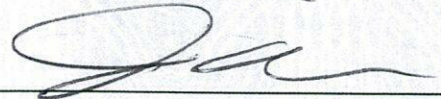
\$ 75 ^{xx}/₁₀₀

DOLLARS

TRUIST 

BB&T is now Truist

FOR 7025 Upper Mills Circle





Details on back
Security Features

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: 2024-0182-A
Property Address: 7025 UPER MILLS CIR
Legal Owners (Petitioners): WOODLAND KAMBU & JIMAKI KAMBU
Contract Purchaser/Lessee: —

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Michelle Cloney
Address: PO BOX 310
Lisbon MD 21765
—
Telephone Number: 443 610 7514

*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

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 01 Account Number - 1800007042

Owner Information

Owner Name: KAMBUI WOODLAND MASETSABA Use: RESIDENTIAL
KAMBUI JINAKI TALIBAH Principal Residence: YES

Mailing Address: 7025 UPPER MILLS CIR Deed Reference: /40122/ 00341
BALTIMORE MD 21228

Location & Structure Information

Premises Address: 7025 UPPER MILLS CIR Legal Description: .2647 AC
BALTIMORE 21228- 7025 UPPER MILLS CIR
ELLICOTT MILLS

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: B
0094 0010 0359 1010009.04 0000 S2 H 19 2025 Plat Ref: 0047/ 0131

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1982 2,352 SF 500 SF 11,533 SF 04

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
2 YES STANDARD UNITSIDING/4 2 full/ 1 half 1 Attached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2024	07/01/2025
Land:	112,300	112,300		
Improvements	260,100	260,100		
Total:	372,400	372,400	372,400	
Preferential Land:	0			

Transfer Information

Seller: CARTER JOHN WILLIS	Date: 04/09/2018	Price: \$370,000
Type: ARMS LENGTH IMPROVED	Deed1: /40122/ 00341	Deed2:
Seller: BYFIELD RICHARD E	Date: 10/17/1991	Price: \$190,000
Type: ARMS LENGTH IMPROVED	Deed1: /08942/ 00001	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:Class		07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00
Special Tax Recapture: None			

Homestead Application Information

Homestead Application Status: No Application

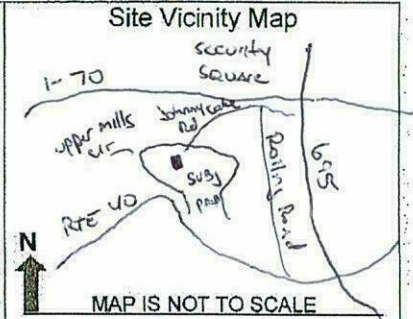
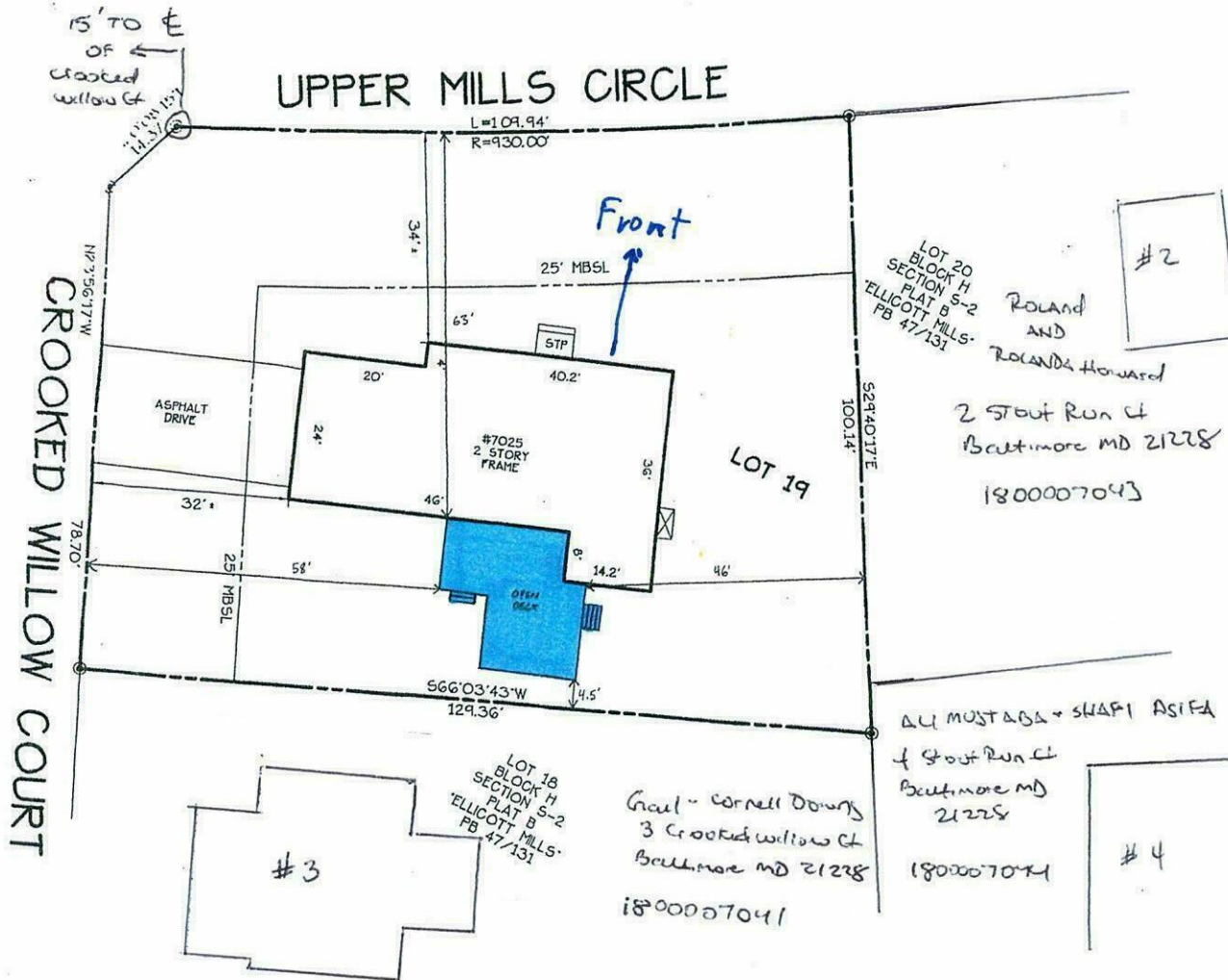
Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0182-A

Zoning Hearing Plan for Variance X for Special Hearing _____ Mark Type Requested with (X)
 Address 7025 Upper Mills Cir, Baltimore MD 21228 Owners(s) Name(s) JINAKI + WOODLAND KAMBUI
 Subdivision Name Ellicott Mills Lot # 19 Block # H Section # S2
 Plat Book # 0047 Folio # 0131 10 Digit Tax # 1800007042 Deed Reference# 40122100341

Hickory Ridge Ct



Zoning Map # 094B2
 Zoning DR 2

Election District 1

Council District 1

Lot Area Acreage 0.265

Lot Square Footage 11,533

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 X Private _____

Prior Hearing (Yes or No) YES

If (Yes) list Case Number(s)

and order result(s) below:

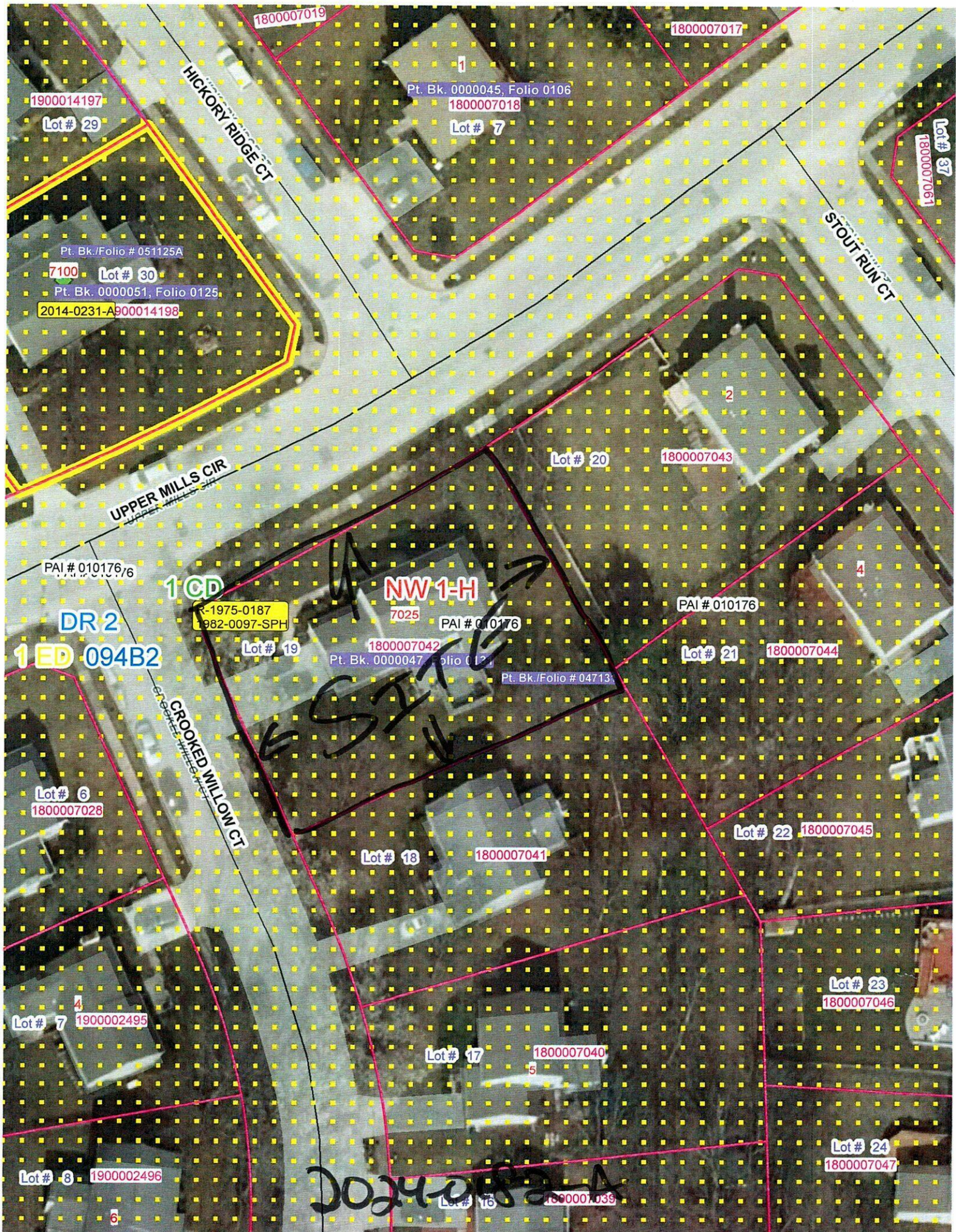
1982-0097-SPL

R-1975-0187

Violation Case Number(s)

Plan Drawn By JSC Date 6/28/24 Scale: 1 inch = 30' Feet

2024-0182-A



1900014197
Lot # 29

1
Pt. Bk. 0000045, Folio 0106
1800007018
Lot # 7

1800007017

Lot # 37
1800007061

Pt. Bk./Folio # 051125A
7100 Lot # 30
Pt. Bk. 0000051, Folio 0125
2014-0231-A 900014198

STOUT RUN CT

UPPER MILLS CIR

PAI # 010176/6

DR 2
1 ED 094B2

1 CD

R-1975-0187
1982-0097-SPH

NW 1-H
7025

PAI # 010176

PAI # 010176

Lot # 19

1800007042
Pt. Bk. 0000047, Folio 0125

Pt. Bk./Folio # 04713

Lot # 21

1800007044

Lot # 6
1800007028

CROOKED WILLOW CT

Lot # 18

1800007041

Lot # 22 1800007045

Lot # 7 4
1900002495

Lot # 17

1800007040
5

Lot # 23
1800007046

Lot # 8 6
1900002496

Lot # 24
1800007047

2024-0182-A

Lot # 16

1800007039

7025 Upper Mills Circle



Lt Side

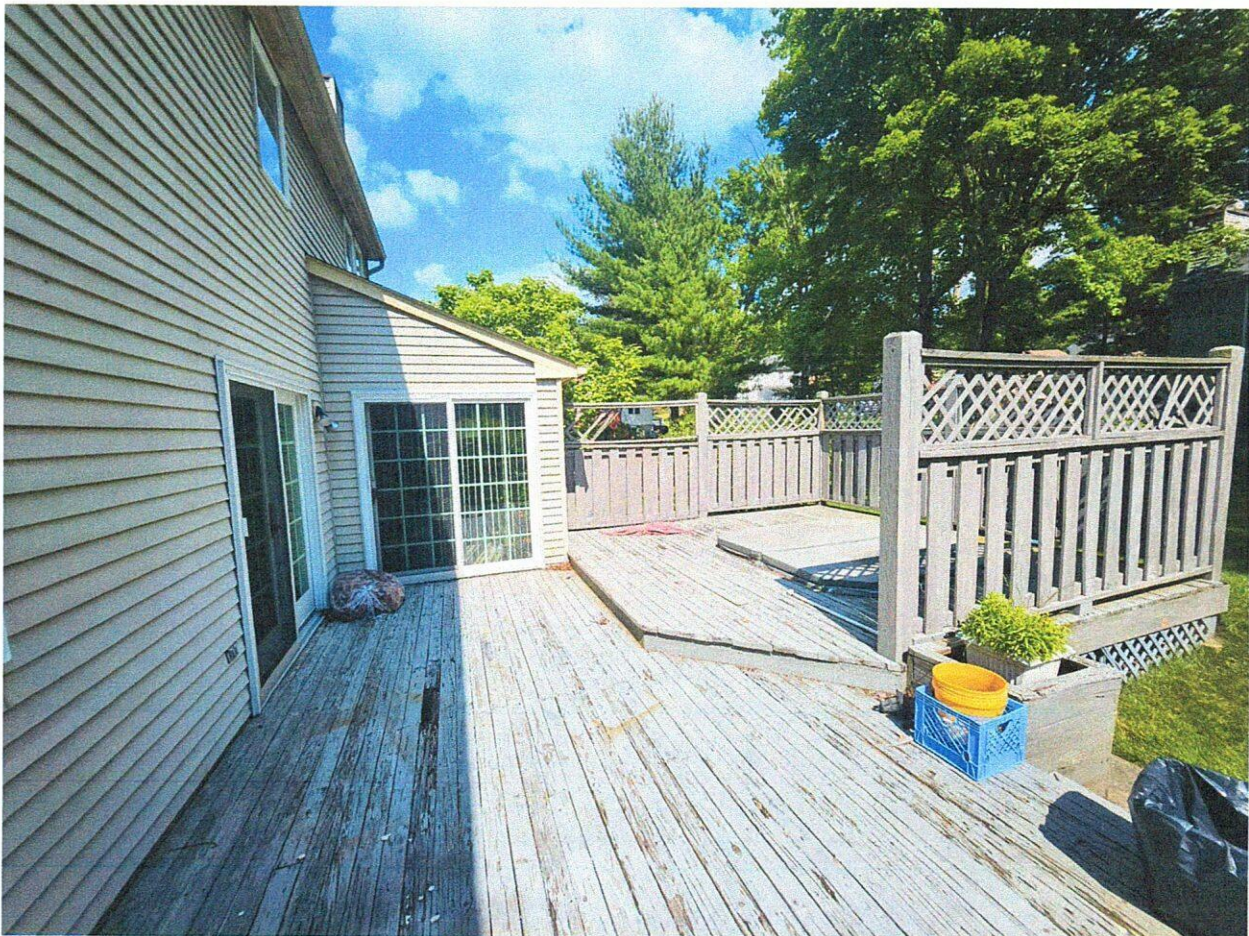


Rt Side

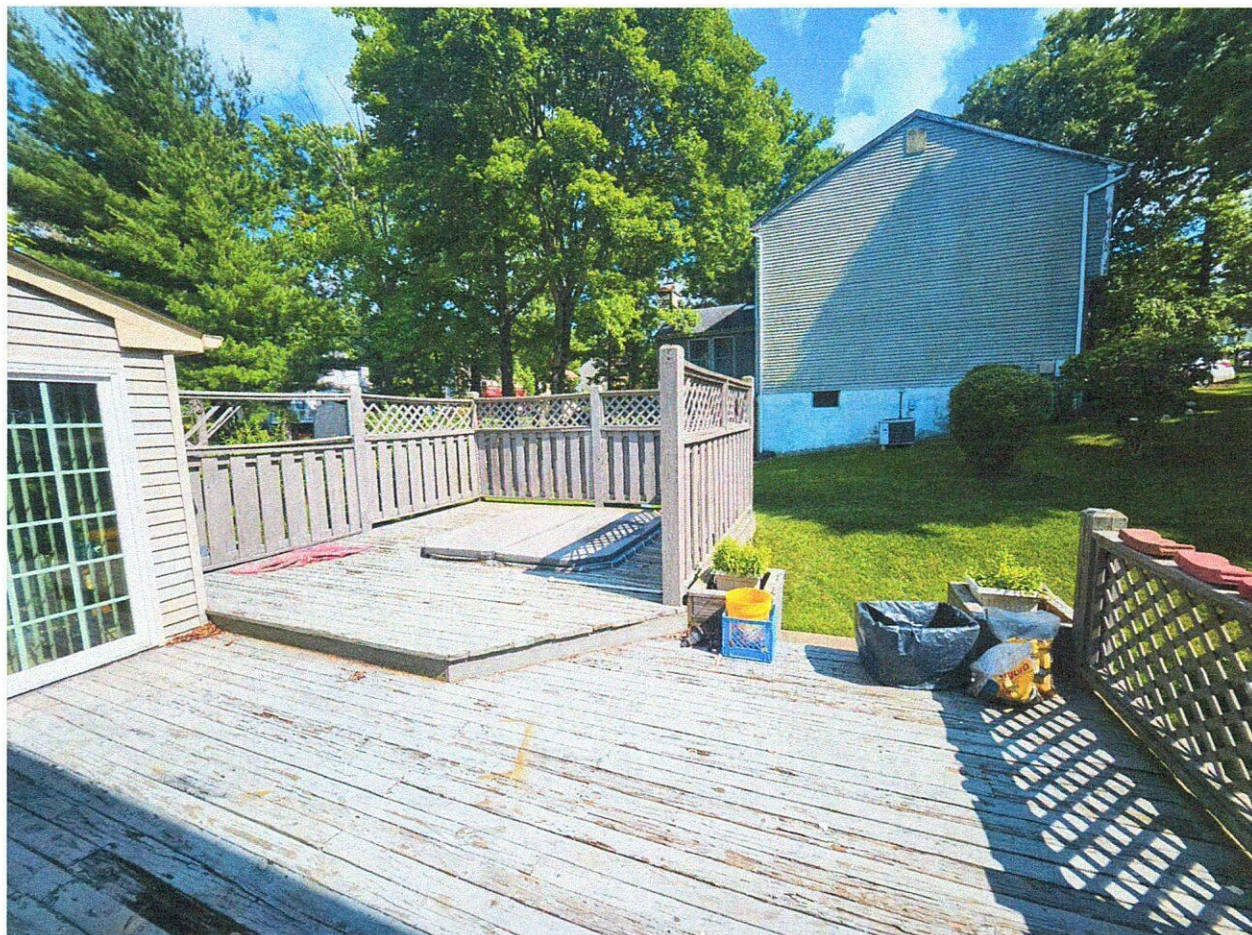
2024-0182-A

7025 upper Mills Circle

rear



lx deck 2024-0182-A



ex deck + Rear yard

2024-0182-A