

IN RE: PETITION FOR VARIANCE
E/S Glen Arm Road, 650' N of the c/l
Glen Arm Road
(11444 Glen Arm Road)
11th Election District
6th Council District

Daniel L. Dietrich, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-460-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for variance filed by the owners of the subject property, Daniel L. and Vienna Dietrich. The Petitioners seek relief from Section 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational trailer (for hauling antique cars) to be located in the front yard of the subject property in lieu of the required rear or side yard. The Petition was filed as the result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management (DPDM) relative to the location of the said trailer. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Daniel and Vienna Dietrich, property owners. Also appearing in support of the request were Gary and Sally Heiderman, and Fred Hafner, adjacent property owners, and Frank Dietrich. Appearing as Protestants in the matter were Dudley and Elizabeth Brownell, and Marvin Johnson, Jr., adjacent property owners on the opposite side who are most affected by the variance request.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the northeast side of a private driveway which leads from Glen Arm Road, not far from the Gunpowder Falls State Park in Glen Arm. The property consists of a gross area of 2.11 acres, more or less, zoned R.C.5 and is improved with a two-story single family

ORDER RECEIVED FOR FILING

Date

By

dwelling, two accessory sheds, and a well-house. Testimony revealed that the dwelling on the property was built in 1999, pursuant to the relief granted in prior zoning Case No. 99-183-A on January 21, 1999. In that case, this Zoning Commissioner granted approval to allow an existing shed to remain in the front yard of the property, and variance relief to allow lot line setbacks of 20 feet and 24 feet in lieu of the required 50 feet for a proposed dwelling. To the extent applicable, the findings and conclusions in that case are incorporated herein. Essentially, testimony and evidence previously offered was that the subject property was the consolidation of four old lots, which had been accumulated by the Petitioners and combined into a single parcel. Additionally, at that time, the property contained an old single family dwelling which had become dilapidated and beyond repair. The Petitioners razed that dwelling and replaced same with the dwelling that exists today in essentially the same location as the original footprint. Variance relief was requested in the prior case, due to the unusual topography of the land and configuration of the lot.

The subject of the instant case relates to a recreational trailer that is stored in the front yard of the property. Testimony and evidence offered by the Petitioners indicated that the trailer is approximately 7.5 feet tall and slightly less than 30 feet in length. It can be attached to a pick-up truck for towing purposes and is presently used to transport the antique cars maintained by the Petitioner. In this regard, Mr. Dietrich indicated that he owns two classic Chevrolet automobiles which are stored in a garage on the property; however, when transported to shows and other events, they are hauled in the subject trailer. The Petitioners seek variance relief to allow storage of the trailer in the front yard in lieu of the required side or rear yard, in view of the topography of the lot, the slope in the rear yard, and the property's unique shape.

Mr. & Mrs. Brownell appeared in opposition to the request, as did Mr. Johnson. Their lots are closest to the area where the trailer is proposed to be stored. It is obvious that there is some ill will between these neighbors and the Petitioners. On the one hand, the site is quite large (2.11 acres) and wooded. For those reasons, it is difficult to imagine that the trailer would have much impact on the neighbors' properties. However, subsequent to the hearing, I visited the site and generally drove the neighborhood. I declined to advise either party of my intention to visit the

ORDER RECEIVED FOR FILING
Date 8/9/01
By [Signature]

site in order to prevent any ex parte communications. Thus, I was able to appreciate each parties position without incident. In any event, it was my observation that the trailer can be seen from these adjacent lots, particularly in the winter months when foliage is reduced.

It is also of note that the Office of Planning submitted a Zoning Advisory Committee (ZAC) comment in which they voiced their opposition to the request. That agency opined that the subject trailer is not a recreational vehicle, as defined in Section 101 of the B.C.Z.R., and regulated by Section 415 thereof. The Office of Planning opined that the definition contained within the B.C.Z.R. appears to regulate camping trailers, motor homes, boats, and similar leisure vehicles, and that the subject trailer does not fall within that classification. Although appreciative of their position, I disagree with their interpretation. The definition of recreational vehicle set out in Section 101 requires that the vehicle be less than 35 feet in length and of such size and weight so as to not require special highway movement permits. The subject trailer meets both of those requirements. Moreover, the regulation goes on to state that such vehicles are "primarily designed for recreation, camping, or travel use." Although not a typical recreational vehicle, I believe that the subject trailer does meet the definition in this instance, and thus, the Petitioner can seek variance relief pursuant to Section 415.A.1.A of the B.C.Z.R.

However, the terms for the granting of variance relief are set forth in Section 307 of the B.C.Z.R. That Section allows the Zoning Commissioner to grant relief upon certain findings of fact; to wit, that the property at issue is unique; that the Petitioner/property owner would suffer a practical difficulty or unreasonable hardship if relief were denied; and, that relief can be granted within the spirit and intent of the zoning regulations and without adverse impact to the surrounding locale. (See Cromwell v Ward, 102 Md. App. 691 (1995).

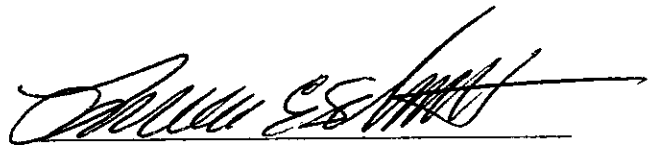
Based upon the testimony and evidence offered in this case, and my subsequent site visit to the property, I am not persuaded that relief should be granted. Although a close case, I believe that there are other options available to the Petitioners. There does appear to be room in the rear yard of the property, immediately behind the accessory shed where the antique cars are stored where the trailer may be stored. Moreover, although the lot is large and wooded, the trailer

is visible from adjacent properties. In this instance, I believe that strict adherence to the zoning regulations should be mandated. Thus, variance relief shall be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of August, 2001 that the Petition for Variance seeking relief from Section 415.A.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational trailer (for antique cars) to be located in the front yard of the subject property in lieu of the required rear or side yard, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

The Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 8/2/01
By [Signature]

TO: Case File #01-460-A

DATE: December 21, 2001

FROM: Lawrence E. Schmidt 
Zoning Commissioner

SUBJECT: PETITION FOR VARIANCE

11444 Glen Arm Road, Daniel L. Dietrich, et ux – Petitioners/Property Owners
Case No. 01-460-A

This matter came before me at a public hearing on July 17, 2001 for consideration of a Petition for Variance seeking relief to permit a recreational trailer to be located in the front yard in lieu of the required rear or side yard. The Petition was filed as the result of a complaint registered by several adjacent property owners with the Code Enforcement Division of the Department of Permits and Development Management (DPDM). These individuals objected to the storage of the trailer in the front yard and opined that the trailer could be stored elsewhere on the property. Subsequent to the hearing, I visited the property to inspect the trailer and examine the view towards neighboring properties to determine if the trailer was visible. Moreover, one of the issues at that hearing was whether the subject equipment was in fact a trailer or a recreational vehicle, which would dictate where it could be stored on the property.

Ultimately, by my Order dated August 2, 2001, I found that the equipment was a recreational vehicle. However, based upon the neighbors' assertions and my site visit to the property, I denied the storage of same in the front yard and suggested the Petitioners store the trailer behind an existing shed. Subsequent to the issuance of that Order, I received numerous complaints from the neighbors that the trailer remained stored in the front yard. Moreover, by letter dated October 24, 2001, the Petitioners advised that due to site constraints associated with their property, they were unable to comply with the regulations and requested that I reconsider my decision. For reasons set forth in my letter of November 9, 2001, I reconvened the hearing in this matter to determine if there was another area on the property where the trailer could be stored that would address the Petitioners' needs as well as the Protestants' concerns.

At the reconvened hearing on December 17, 2001, the Petitioners appeared, as did the Protestants, who were represented by C. William Clark, Esquire. Mr. Clark made a preliminary Motion to Dismiss the case and objected to the reconvened hearing for a number of reasons, one of which was the fact that the trailer, which had been the subject of the original request, was no longer on the property. The Petitioners apparently replaced that vehicle with another trailer of a different size. Since the equipment that was an integral part of the case no longer exists on the property, I agreed with Mr. Clark that the Petition filed was indeed moot and the hearing was adjourned. The Petitioners asked me if they could file a new Petition for the new trailer and I advised them that I could make no decision on whether res judicata would apply. That is, the Petitioners will have to follow-up with the Department of Permits and Development Management to determine whether a new Petition is necessary.



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 2, 2001

Mr. & Mrs. Daniel Dietrich
11444 Glen Arm Road
Glen Arm, Maryland 21057

RE: PETITION FOR VARIANCE
E/S Glen Arm Road, 650' N of the c/l Glen Arm Road
(11444 Glen Arm Road)
11th Election District – 5th Council District
Daniel Dietrich, et ux - Petitioners
Case No. 01-460-A

Dear Mr. & Mrs. Dietrich:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Dudley Brownell, 11520 Glen Arm Road, Glen Arm, Md. 21057
Mr. Marvin Johnson, Jr., 11510 Glen Arm Road, Glen Arm, Md. 21057
Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, Md. 21204
Code Enforcement Division, DPDM; People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11444 Glen Arm Rd

which is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 415 A.1.A TO PERMIT A

RECREATIONAL TRAILER (ANTIQUE CAR) TO BE LOCATED IN THE FRONT YARD
IN LIEU OF THE REAR OR SIDE YARD.
8 ft. Behind the front building line in the

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

UNABLE TO PARK RECREATIONAL VEHICLE IN REAR OR SIDE YARD
DUE TO STEEPNESS OF SLOPE IN REAR YARD, UNIQUE & IRREGULAR
SHAPE & TOPOGRAPHY OF LOT.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

N/A
Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Case No. 01-460-A

REV 9/15/98

Legal Owner(s):

DANIEL & VIENNA DIETRICH
Name - Type or Print

Daniel Dietrich
Signature

Name - Type or Print

Vienna Carol Dietrich
Signature

11444 Glen Arm Rd 410-665-9677
Address Telephone No

Glen Arm MD 21057
City State Zip Code

City State Zip Code

Representative to be Contacted:

DANIEL L. DIETRICH
Name

410-665-9677
Address Telephone No

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By STH Date 04-27-01



ZONING DESCRIPTION
11444 Glen Arm Road

at a point 2250
NORTH OF MANOR
ROAD REM

Beginning at a point on the east side of a right-of-way to Glen Arm Road, 15 feet wide, 650 feet north of the centerline of Glen Arm Road which is 24 feet wide. Thence the following courses and distances:

N44°30'00"W 352.50 ft.,
S83°54'00"E 244.37 ft.,
N47°00'00"E 325.00 ft.,
S44°30'00"E 155.15 ft., and
S45°30'00"W 480.01 ft. to the place of beginning.

As recorded in Deed Liber 13037, Folio 131, and containing 2.11 acres. Also known as 11444 Glen Arm Road and located in the 11th Election District.

10/25/98

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 92859

DATE 04-27-01 ACCOUNT K-000-001-012
AMOUNT \$ 50.00

RECEIVED FROM: DANIEL E. VIENNA DICKINSON

FOR: REG. VAL. APPLE

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
4/30/2001 4/27/2001 15:27:09
RLB MS04 CASHIER DDOL DHD DRAWER 2
RECEIPT # 139663 OFLH
Def. 5 528 ZONING VERIFICATION
CR ID. 092859

Recpt Tot 50.00
50.00 GK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #01-460-A
11444 Glen Arm Road
NW/3 Glen Arm Road, 650'
NW centerline Glen Arm
Road & approximately 2000'
NE of Wagon Wheel Road
11th Election District
6th Councilmanic District
Legal Owner(s): Vienna &
Daniel Dietrich
Variance: to permit a recreational trailer (antique car) to be located in the front yard in lieu of the rear or side yard (8' behind the front building line).
Hearing: Tuesday, July 17, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/7/611 July 3 C479071

CERTIFICATE OF PUBLICATION

7/5/, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/3/, 2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 01-460-A

Petitioner/Developer: _____

VIENNA & DANIEL DIETRICH

Date of Hearing/Closing: 7/17/01

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

11444 GLEN ARM RD

The sign(s) were posted on _____

7/2/01

(Month, Day, Year)

Sincerely,

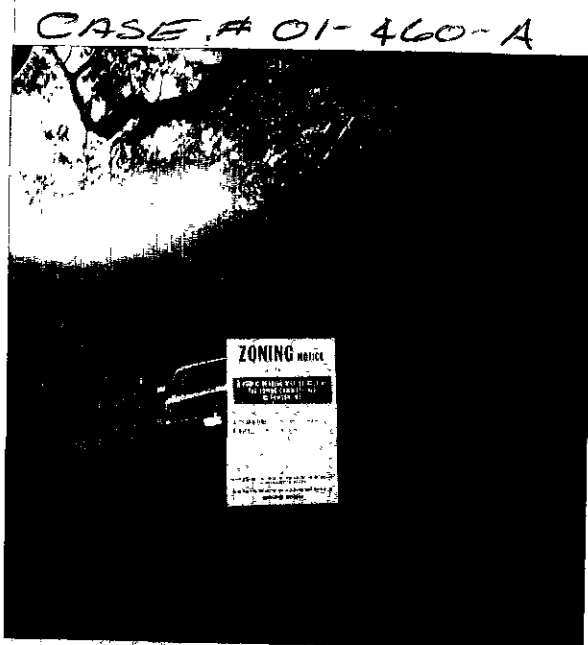
Richard E. Hoffman 7/2/01
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



11444 GLEN ARM RD.

POSTED 7/2/01

Richard E. Hoffman 7/2/01

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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:

Item Number or Case Number: 01-460-A

Petitioner: DANIEL & VIENNA DIETRICH

Address or Location: 11444 GLEN ARM RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DANIEL DIETRICH

Address: 11444 GLEN ARM RD

GLEN ARM MD 21057

Telephone Number: 410-665-9677

Revised 2/20/98 - SCJ

01-460-A

CAUED

05:08-01.

DAY OF RECEIPT FROM
WCR.

LEFT MESSAGE
RE: CHANGE OF TITLE
ON SITE PLAN.

CAUED 05-17-01.

SPOKE TO MRS DIETRICH
THEY WILL BE OUT OF TOWN
BUT WILL GET COPIES
TO FILE BY
05-29-01.

—STH.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

June 13, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-460-A

11444 Glen Arm Road

NW/S Glen Arm Road, 650' NW centerline Glen Arm Road & approximately 2000' NE of Wagon Wheel Road

11th Election District – 6th Councilmanic District

Legal Owners: Vienna & Daniel Dietrich

Variance to permit a recreational trailer (antique car) to be located in the front yard in lieu of the rear or side yard (8' behind the front building line).

HEARING: Tuesday, July 17, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon *GDR*
Director

C: Vienna & Daniel Dietrich, 11444 Glen Arm Road, Glen Arm 21057

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 2, 2001.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 3, 2001 Issue – Jeffersonian

Please forward billing to:
Daniel Dietrich
11444 Glen Arm Road
Glen Arm MD 21057

410 665-9677

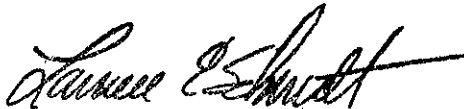
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NW/S Glen Arm Road, 650' NW centerline Glen Arm Road & approximately 2000' NE of
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11th Election District – 6th Councilmanic District
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HEARING: Tuesday, July 17, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDS
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 13, 2001

Vienna & Daniel Dietrich
11444 Glen Arm Road
Glen Arm, MD 21057

Dear Mr. & Mrs. Dietrich:

RE: Case Number: 01-460-A, 11444 Glen Arm Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 27, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: July 3, 2001

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 11444 Glen Arm Road

INFORMATION:

Item Number: 01-460

Petitioner: Daniel & Virginia Dietrich

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the request to locate a trailer for the storage of antique cars in a front yard.

The section of the BCZR that regulates recreational vehicles appears to be applicable to camping trailers, motor homes and other similar leisure vehicles. This office is of the opinion that the proposed trailer for storage of an antique vehicle does not meet the definition stated for recreational vehicles. Additionally, this office is concerned about the precedent that may be set should such a use be permitted in the front yard.

It should be noted that variances were granted to allow setbacks of 20 feet and 24 feet in lieu of 50 feet for the existing 2 story dwelling and to allow a shed in the front yard in lieu of the required rear yard location.

Prepared by:

Mark A. Cunningham

Section Chief:
AFK:MAC:

Jeffrey W. Long



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 6.13.01

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 460

JRA

Dear Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

June 12, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 11, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

460, 484, 486, 487, 488, 489, 490, 491, 492, 493, 495,
496, 497, 498, 500, and 501

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



RE: PETITION FOR VARIANCE
11444 Glen Arm Road, NW/S Glen Arm Rd,
650' NW of c/I Glen Arm Rd &
appx. 2000' NE of Wagon Wheel Rd
11th Election District, 6th Councilmanic

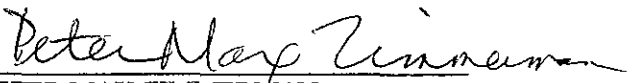
Legal Owner: Daniel & Vienna Dietrich
Petitioner(s)

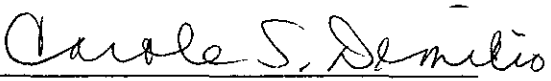
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
*
* Case No. 01-460-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. **All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.**


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of June, 2001 a copy of the foregoing Entry of Appearance was mailed to Daniel & Vienna Dietrich, 11444 Glen Arm Road, Glen Arm, MD 21057, Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

November 27, 2001

Mr. & Mrs. Daniel Dietrich
11444 Glen Arm Road
Glen Arm, Maryland 21057

RE: PETITION FOR VARIANCE
(11444 Glen Arm Road)
Case No. 01-460-A

Dear Mr. & Mrs. Dietrich:

This office is in receipt of a request from Mr. Dudley Brownell to reschedule the above-captioned matter from December 5, 2001 to the week of December 17th due to an apparent conflict with his work schedule. Unfortunately, in view of the upcoming holidays, the only available date between December 5th and the end of the year is Monday, December 17th at 2:00 PM. In the event that this date and time are unacceptable to you, please contact me immediately. Otherwise, I will reconvene the hearing on December 17th at 2:00 PM in Room 407 of the County Courts Building.

Thank you for your consideration in this matter.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Dudley Brownell, 11520 Glen Arm Road, Glen Arm, Md. 21057
Mr. Marvin Johnson, Jr., 11510 Glen Arm Road, Glen Arm, Md. 21057
Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, Md. 21204
Mr. Len Wasilewski, Code Enforcement Division, DPDM
People's Counsel; Case File



Dudley Brownell
11520 Glen Arm Road
Glen Arm, Maryland 21057

26

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

November 26, 2001

Dear Mr. Schmidt:

I am requesting a rescheduling of the reconvened hearing of Case No. 01-460-A scheduled for December 5, 2001 at 2:00 PM to the week of December 17 or better after the first of the year. I am a Senior Principal Engineer and this request is necessitated by the heavy work load at my office in getting a new military product into qualification testing.

Thank you for your consideration in this matter.

Sincerely yours,



Dudley Brownell



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

November 9, 2001

Mr. & Mrs. Daniel Dietrich
11444 Glen Arm Road
Glen Arm, Maryland 21057

RE: PETITION FOR VARIANCE
(11444 Glen Arm Road)
Case No. 01-460-A

Dear Mr. & Mrs. Dietrich:

In response to your letter dated October 24, 2001 concerning the above-captioned matter and your request for reconsideration of the Order issued on August 2, 2001, the following comments are offered.

Prior to the issuance of my Order, I visited the subject site for the purpose of familiarizing myself with your property. I parked in the front portion of your property near the trailer. I inspected the trailer and also examined the view towards neighboring properties to determine if the trailer, at its requested location in the front yard, was visible. I did not drive further up your driveway to the house, nor did I examine the rear yard. I did, however, again review the site plan submitted at the hearing, which indicates that there is a distance of 23 feet between the rear corner of your house and the rear property line. In most circumstances, this would be more than a sufficient distance to allow maneuvering of the trailer and storage thereof in the rear yard. Largely, due to these factors, I denied your request for variance.

However, since the hearing I have received several telephone calls from your neighbors regarding the trailer. Essentially, these are complaints that the trailer is still not being stored in compliance with the zoning regulations. I am also in receipt of your letter of October 24, 2001 wherein you have expressed difficulty in meeting those requirements. I therefore asked Leonard Wasilewski, an inspector with the Code Enforcement Division of the Department of Permits and Development Management (DPDM), to visit the site and examine existing conditions on your property. Mr. Wasilewski recently visited the property and while at the scene, took several photographs. He advised me that the site plan submitted at the hearing was incorrect. According to Mr. Wasilewski, the distance between the rear corner of the dwelling and the tree line along the side of the house is a mere 13 feet, significantly less than what is shown on the site plan. In his opinion, this narrow distance would make it difficult to maneuver the trailer to a location in the rear yard. Had I known that this maneuvering distance was less than the 23 feet shown on the plan, my decision may have been different.

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Mr. & Mrs. Daniel L. Dietrich
November 9, 2001
Page 2

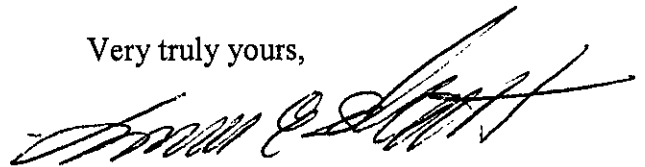
I am aware, of course, of the strained relationship between you and several of your neighbors and it is unfortunate that there has not been a consensus regarding an appropriate resolution of this issue. Nonetheless, it is not my function to improve personal relationships; rather, I am to interpret and apply the relevant regulations of the B.C.Z.R.

Sections 500.6 and 500.7 of the B.C.Z.R. authorize the Zoning Commissioner to convene a public hearing as might be necessary for the proper administration and enforcement of the zoning regulations regarding a given property. Under the circumstances, I am going to reconvene the hearing. The purpose of these continued proceedings will be to explore the possibility of storing the trailer in another area of your property. If possible, I will attempt to determine if there is an area on the lot where the trailer may be stored that is both convenient to you and at such a location so as not to be visually detrimental to adjacent property owners. The implementation of additional landscaping or other screening might also be considered.

I have scheduled the reconvened hearing for Wednesday, December 5, 2001 at 2:00 PM in Room 407 of the County Courts Building in Towson. By copy of this letter, all interested parties have been notified, accordingly. If anyone is unable to participate on that date, but wishes to attend the hearing, please contact my office to determine if a rescheduling of the hearing might be necessary. Moreover, I have directed that Mr. Wasilewski take no action until this matter is fully resolved.

In the meantime, should anyone have any questions on the subject, please do not hesitate to call me.

Very truly yours,



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Dudley Brownell, 11520 Glen Arm Road, Glen Arm, Md. 21057
Mr. Marvin Johnson, Jr., 11510 Glen Arm Road, Glen Arm, Md. 21057
Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, Md. 21204
Mr. Len Wasilewski, Code Enforcement Division, DPDM
People's Counsel; Case File



Baltimore County
Zoning Commissioner

November 9, 2001

George
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Mr. & Mrs. Daniel Dietrich
11444 Glen Arm Road
Glen Arm, Maryland 21057

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(11444 Glen Arm Road)
Case No. 01-460-A

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However, since the hearing I have received several telephone calls from your neighbors regarding the trailer. Essentially, these are complaints that the trailer is still not being stored in compliance with the zoning regulations. I am also in receipt of your letter of October 24, 2001 wherein you have expressed difficulty in meeting those requirements. I therefore asked Leonard Wasilewski, an inspector with the Code Enforcement Division of the Department of Permits and Development Management (DPDM), to visit the site and examine existing conditions on your property. Mr. Wasilewski recently visited the property and while at the scene, took several photographs. He advised me that the site plan submitted at the hearing was incorrect. According to Mr. Wasilewski, the distance between the rear corner of the dwelling and the tree line along the side of the house is a mere 13 feet, significantly less than what is shown on the site plan. In his opinion, this narrow distance would make it difficult to maneuver the trailer to a location in the rear yard. Had I known that this maneuvering distance was less than the 23 feet shown on the plan, my decision may have been different.

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October 24, 2001

26

Mr. Larry Schmidt
Zoning Commissioner
for Baltimore County
Suite 405
401 Bosley Ave
Towson, Md. 21204

Case No. 01-460-A
Petition for Variance

Dear Larry:

On August 2, 2001 we received a letter showing our Petition for Variance denied. The letter stated that there were other options for the location of the trailer. Prior to the hearing, we had moved the trailer from the lower yard to the side of our house located up the hill. The letter stated that you had made a visit to the site and had made a ruling based on that information.

On October 22, 2001, (after the case was denied) Leonard Wasilewski was in my back yard taking pictures of the problem area stating there had been complaints regarding the trailer and its location. I believe there to be misconceptions made based upon this whole situation. Dan and I did not appeal your decision based on your visit to the actual site. The actual site is 10 foot wide and falls straight down. Lenny verified this when he was taking pictures and measuring the actual footage. Also, it turns 45 degrees, so you can not back straight back, you need to turn the 30 foot trailer while backing it up the hill behind the house. I believe you did not see the actual site but saw other areas of our yard. This is a hardship based on the unique condition of the property. Please review the pictures and speak with Lenny about the property and if so, visit again when we are here to show you the actual site.

Once again, we did not appeal the Petition for Variance once it was denied based on you coming to the property. Please, if this is not the case, reopen our case so that we may justify the hardship and legally keep our trailer on our 2.11 acres of land.

Thank you for considering this request.

Sincerely,


Dan and Vienna Dietrich

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LAW OFFICES
MICHAEL P. TANCZYN, P.A.

Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

July 13, 2001

Hand Delivered

The Honorable Lawrence E. Schmidt
Zoning Commissioner
Room 405, County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: Case No. 01-460A - Hearing July 17, 2001 at 11:00 a.m.

Dear Mr. Commissioner:

I have recently been advised by Mr. Dudley Brownell that he and his wife, and perhaps Mr. Marvin Johnson, intend to appear at the above hearing without Counsel. Mr. & Mrs. Dudley Brownell's address is 11520 Glen Arm Road, Glen Arm, Maryland 21057 and Mr. Marvin Johnson's address is 11510 Glen Arm Road, Glen Arm, Maryland 21057. It is my understanding they will appear as Protestants to this Petition.

In the past, I have represented Mr. & Mrs. Dudley Brownell and Mr. Marvin Johnson who own adjacent properties to the subject parcel for which a variance is being sought. You may recall that the same property was the subject of a prior variance for setbacks in an RC5 zone to accommodate the residence of the Petitioners in this case, which included an oversize garage. My clients want to bring to your attention a number of facts that are pertinent and need to be considered in your decision. The variance is being requested for a recreational trailer to be located in the front yard. The trailer is totally enclosed, windowless, and looks like a small, half size version of the trailer part of the tractor trailer rigs one sees on the highways. The trailer is used to transport a classic/special interest car and is large enough to require two axles and the use of a fifth wheel towing rig in a heavy duty pickup truck.

The Petition for Variance states as a reason "unable to park recreational vehicle in rear or side yard due to steepness of slope in rear yard, unique and irregular shape, and topography of lot." There is adequate flat land behind the house to park the trailer. The previous owner had more than adequate room to drive around the back of the house to park his car under a carport attached to the southwest end of the house. There would be more room if the exterior building behind the house were to be razed as noted on the site plan presented for the prior variance but noted as existing shed to remain on the site plan presented for this variance. Please note there are no photographs of the flat land at the rear of the house presented by the Petitioners in the case file.

My clients also contend the real reason the trailer is parked in the front yard is so it would not be visible from inside the Dietrich house. The trailer is primarily visible from inside the Dietrich house through a window in a "storage area" over the garage. There is no other window in that end of the house. The sight angle from the trailer to the front of the Dietrich house makes the trailer very difficult to see, even more so if a variance is granted and the trailer is parked closer to the property line with the Brownells. The trailer is very visible through major scenic viewing windows of the neighbors who adjoin the Dietrich property in the area where the trailer is currently parked and for which the variance is requested. The approximate sight distances, estimated from land plots, are 350 feet to the Brownells and 320 feet to the Johnsons.

It is for the above reasons my clients oppose the granting of the variance.

Very truly yours,



Michael P. Tanczyn, Esquire

MPT/gr

cc: Mr. & Mrs. Dudley Brownell
Mr. Marvin Johnson

Dec 13, 2001

Dear Mr. Schmidt,

Case No 01-460-A.

I received 3 letters yesterday about this case.

Mr & Mrs Dietrich are stating its a hardship to park their trailer behind their house, is my understanding Butte County seems to have a very short memory.

- 1) They wanted their house, exactly were they put it. (You gave them a variance)
- 2) My understanding is that the dimensions are not what was in the variance request.
- 3) They have leveled the terrace below the front of the house allowing the main run-off of water to now go down my R.O.F-way. The R.O.F-way has got holes.

the back of their house which has shortened the distance to the property line.

If the distance in the back of their house is too short to move a trailer around, why does that constitute a hardship.

7) My understanding is that the Districts have at least 4 areas:

(It has amazed the whole community that Butte County never sees anything wrong. As this and other issues have come to Butte County's attention.

~~From the very beginning of~~

ignored.

- A. Raising a building without a permit
- B) Taking building with abetter strength down without a permit
- C) Demolition not in accordance with variance.
- D) Now the trailer.

There is a difference between having your own way and a hardship.

It seems to me a waste of the tax payer money to have laws or agency's, which can^{not} or won't abide by the laws.

As far as your comment about strained relationships with neighbor's. You live below these individuals.

I stay on my own property. God forbid I go buy my own R.O.F. way. The verbal assaults are certainly interesting.

As for the trailer if you allow an individual to build

or bend the laws to suit them,
then you need to allow anyone
to do the same.

After several yrs of going
through this, frankly I do not
hold out any hope of any
kind of resolution to these
problems.

Sincerely
Mrs Virginia Savant

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: June 15, 2001

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 460 (01-460-A)
Legal Owner/Petitioner: Vienna & Daniel Dietrich
Property Address: 11444 Glen Arm Road
Location Description: NW/S Glen Arm Road, 650' NW centerline Glen Arm Road &
approximately 2000' NE of Wagon Wheel R

VIOLATION INFORMATION: **Case No.: 01-0538**
Defendants: Daniel L. Dietrich and Vienna Heerd

Please be advised that the aforementioned petition is the subject of an active violation case.
When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME
Councilman Joe Bartenfelder, Sixth District (Lea Petr)

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- Complaint memo
- Complaint Intake Form/Code Enforcement Officer's report and notes
- State Tax Assessment printout
- State Tax Parcel Map
- Photographs including dates taken
- Correction Notices (2)
- General Permit Application Data (Permit B351321)
- Plan – Parcel Consolidation Plan #99-087M for 11444 Glen Arm Road
- Zoning Commissioner's Order for case 99-183-A (dated 1/21/99)

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/scj

c: Code Enforcement Officer Wasliewski

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



TO: Len Wasilewski
Code Enforcement

FROM: Joe Bartenfelder *JB*
Councilman, Sixth District

DATE: February 26, 2001

SUBJECT: Constituent Complaints

It has been brought to my attention that there are unlicensed vehicles parked on the property at 11444 Glen Arm Road. Also, there is a recreational vehicle parked in the front yard on that property.

Please look into this matter and report the results of your inspection.

Thank you.

Per telecon w/ Mr. Peter ^{Pea.}

2/28/01
NE - E - 13
zoning Map.
No hearing found

FA 5791

DE ENFORCEMENT REPORT

00-4485 closed

DATE: 2/7/01 INTAKE BY: CW CASE #: 01-538 INSPEC: 3

COMPLAINT LOCATION: 11444 Glen Arden Rd.

ZIP CODE: 21057 DIST:

COMPLAINANT NAME: Rick update Lee Pate 3388 Bartenfellers Office
PHONE #: (H) 3351 (W)

ADDRESS: ZIP CODE:

PROBLEM: Tractor Trailer on the MVs.

3351321

20 J.9

Give to Lenny

IS THIS A RENTAL UNIT? YES NO

IF YES, IS THIS SECTION 8? YES NO

OWNER/TENANT

INFORMATION:

TAX ACCOUNT #: ~~1105 004726~~ 2200 023516 ZONING:

INSPECTION: 2/7/01 (1) historic pickup w/

a snow plow + exposed tags

Sent Corbin

REINSPECTION: P/u 2/28/01

REINSPECTION: 2/27/01 Reinspect per Television w/

Lee Pate from Bartenfellers Office

(2) Pic. of shed in lot yd. + RV in lot yd.

Note: Tractor now has tags.

2/28/01 Issued Corbin Notice P/u 4/10/01

REINSPECTION:

UPDATE/MESSAGE FORM

Date:

4/10/01

Time:

a.m. ~~p.m.~~

Inspector:

[Signature]

Case Number:

01 0538

Address:

Comments:

Extension Granted until
4/20/01 for Variance appt.

ENTERED INTO AS400

PL

Case Entry/Update
Format : CASREC

Mode : CHANGE
File : PDLV0001

Dt Rec: 2072001 Intake: WASILEWSKI, L Act: Case #: 01-0538
Insp: WASILEWSKI, L Insp Grp: ENF Insp Area: 3 Tax Acct: 2200023516
Address: 11444 GLEN ARM RD Apt #: Zip: 21057
Problem Descript.: TRACTOR TRAILER, UNLIC VEHS B 351321, GIVE TO LENNY

Complainant Name (Last): PETR (First): LEA
Complainant Addr: State: Zip:
Complainant City: State: Zip:
Complainant Phone (H): (W): 4108873388
Date of Reinspection: 7302001 Date Closed: Delete Code (P):

F3=Exit
F9=Insert

F5=Refresh
F10=Entry

F6=Select format
F11=Change

Case Entry/Update
Format : CASREC

Mode : CHANGE
File : PDLV0001

Notes: 02/07/01, HISTORIC PICK UP TRUCK WITH EXPIRED TAGS. SENT CORRECTION
NOTICE. P/U 2/28/01 (L.W.).

***2/28/01, ISSUED CORRECTION NOTICE FOR SHED & RV IN FRONT YARD PER TELCOM W/ L
EA PETER FROM COUNCILMAN BARTENFELDER'S OFFICE, P/U 4/10/01, L WASILEWSKI.

**4/10/01-EXTENSION GRANTED UNTIL 4/20/01 FOR VARIANCE APPOINTMENT. (LW/SCJ)

4/23/01 VARIANCE APT. 4/27/01 P/U 4/28/01 L. WASILEWSKI.RJC***

**4/30/01-VARIANCE 01-460-A FILED ON 4/27/01. EXTEND UNTIL HEARING DATE. LEFT
MESSAGE WITH LEA P. POP-UP 7/30/01. (LW/SCJ)

F3=Exit
F9=Insert

F5=Refresh
F10=Entry

F6=Select format
F11=Change

RA1001F

DATE: 02/07/2001

ASSESSMENT TAXPAYER SERVICE

TIME: 11:23:02

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HIST	DEL	LOAD DATE
22 00 023516	11	3-2	04-00	H	NO		01/10/01

DIETRICH DANIEL L DESC-1.. IMPS2.11 AC

HEERD VIENNA DESC-2.. 2230 FT NW OF MANOR RD

11444 GLEN ARM RD PREMISE. 11444 GLEN ARM RD

00000-0000

GLEN ARM MD 21057-0276 FORMER OWNER: EVANS CHARLES CALVIN

-----FCV-----	-----TRANSFER DATA-----	---PROPERTY ID---
---------------	-------------------------	-------------------

	PRIOR	PROPOSED	NUMBER.....	146272	LOT.....
LAND:	77,770	77,770	DATE.....	07/29/98	BLOCK....
IMPV:	159,160	163,550	PURCHASE PRICE..	122,085	SECTION..
TOTL:	236,930	241,320	GROUND RENT.....	0	PLAT.....
PREF:	0	0	DEED REF LIBR..	13037	BOOK..... 0000
CURT:	236,930	241,320	DEED REF FOLIO..	131	FOLIO.... 0000
DATE:	08/96	12/00	YEAR BUILT.....	51	MAP..... 0062
			NEW CONSTR YR...		GRID..... 0003
					PARCEL... 0432

TAXABLE BASIS

01/02	239,856	LOT WIDTH..	.00	SB
00/01	48,540	LOT DEPTH..	.00	WB
99/00	48,530	LAND AREA..	2.110 A	SS
ENTER-INQUIRY1 PA1-PRINT PF4-MENU PF5-QUIT				WD



**Real Property
Information**

**Maryland Department of Assessments and Taxation
Real Property System**

[\[Go Back\]](#)

BALTIMORE COUNTY

[\[Start Over\]](#)

DISTRICT: 11 ACCT NO: 2200023516
Owner Information

Owner Name: DIETRICH DANIEL L
HEERD VIENNA

Use: RESIDENTIAL

Mailing Address: 11444 GLEN ARM RD
GLEN ARM MD 21057-0276

Principal Residence: YES

Transferred
From: EVANS CHARLES CALVIN **Date:** 07/29/1998 **Price:** \$122,085
Deed Reference: 1) /13037/ 131 **Special Tax Recapture:**
2) * NONE *

Tax Exempt: NO

Location Information [\[View Map\]](#)

Premises Address:
11444 GLEN ARM RD

Zoning:

Legal Description:
2.11 AC
NWR GLEN ARM RD
2230 FT NW OF MANOR RD

Map	Grid	Parcel	Subdiv	Sect	Block	Lot	Group	Plat No:
62	3	432					82	Plat Ref:

Special Tax Areas

Town:
Ad Valorem:
Tax Class:

Primary Structure Data

Year Built:	Enclosed Area:	Property Land Area:	County Use:
1951	864 SF	2.11 AC	04

Value Information

	Base Value	Current Value	Phase-In Value	Phase-in Assessments	
		As Of	As Of	As Of	As Of
		01/01/2000	07/01/2001	07/01/2000	07/01/2001
Land:	77,770	77,770			
Impts:	159,160	163,550			
Total:	236,930	241,320	239,856	48,540	239,856
Pref Land:	0	0	0	0	0



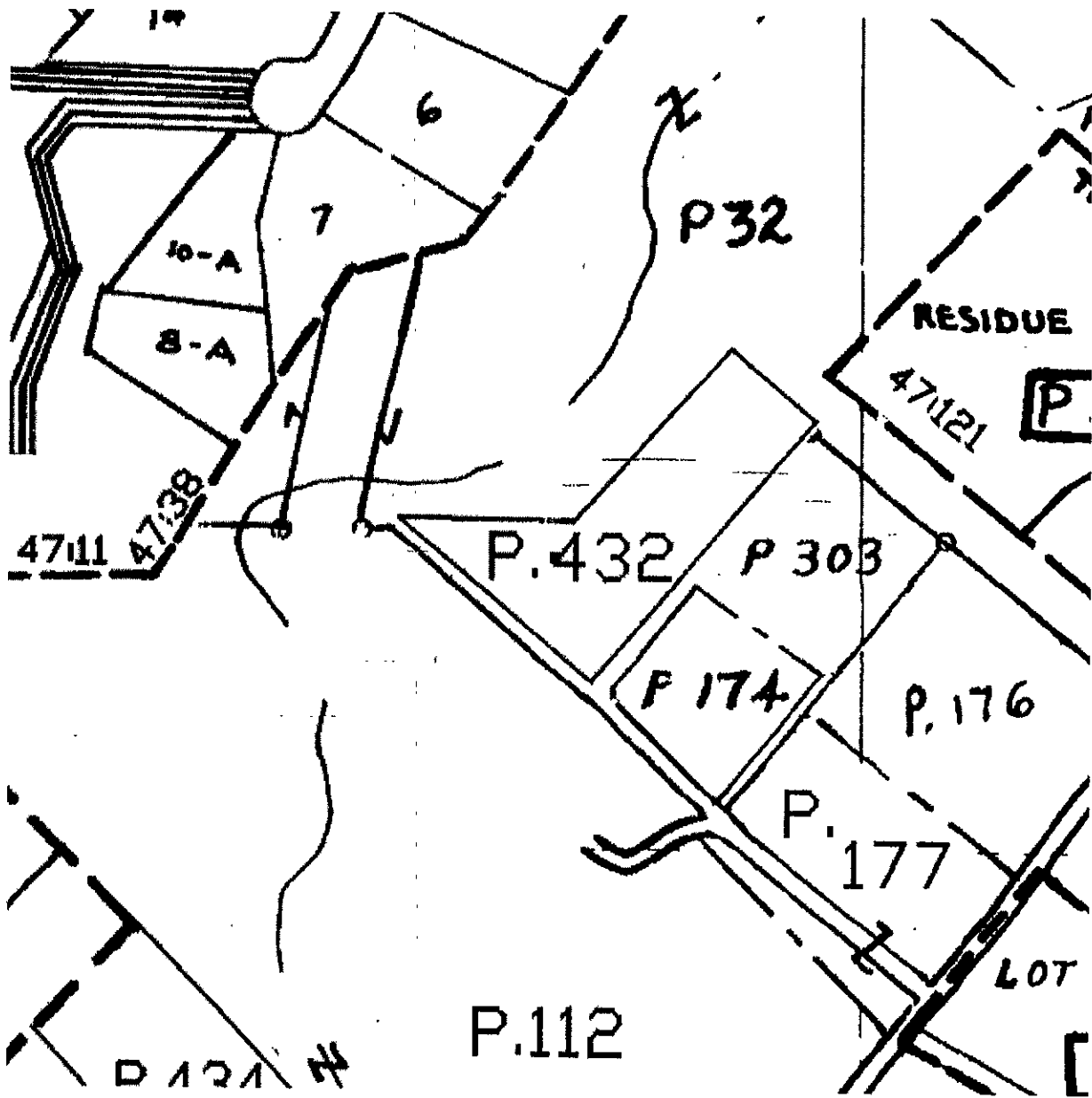
Real Property
Information

Maryland Department of Assessments and Taxation
Real Property System

[\[Go Back\]](#)

Account ID : 04112200023516

[\[Zoom Out\]](#)



Property maps provided courtesy of the Maryland Department of Planning © 2000.
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us.

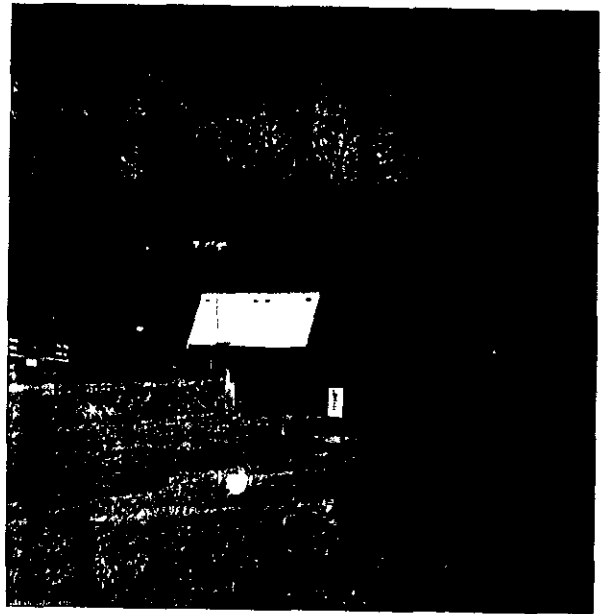
PHOTOGRAPHIC RECORD

Citation/Case Number: 01-0538

Date of Photographs: 2/27/01



2/27/01



2/27/01

I HEREBY CERTIFY that I took the 2 (number of photos) photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

W. Aschewski
Enforcement Officer



Baltimore County
Department of Permits and
Development Management

Code Inspection and Enforcement
County C Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 01 0538	Property No. 2200023516	Zoning:
------------------------------	----------------------------	---------

Name(s): Daniel L. Dietrich + Vienna Heard
11444 Glen Arm Rd

Address: Glen Arm Md 21057-0276

Violation Location: 11444 Glen Arm Rd 21057

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Remove or properly license
all unlicensed Motor Vehicles
(update sticker on pick up truck)

Mailed

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 2/28/01	Date Issued: 2/8/01
-----------------------	---------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Wasilewski

INSPECTOR: [Signature]

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:
-----------------	--------------

INSPECTOR: _____

AGENCY

To Lea Petr
FAXed 2/28/01



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 01-0538	Property No. 2200 023516	Zoning: RC 5
------------------------------	-----------------------------	-----------------

Name(s): DANIEL L. Dietrich & Vienna Heerd
11444 Glen ARM Rd

Address: Glen ARM Md 21057-0276

Violation Location: 11444 Glen ARM Rd

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Zoning Regulations.

1. Reposition shed into the rear yard
OR apply for a VARIANCE. Sec 1A04; 102.1; 400

2. Remove Recreational vehicle (fifth wheel
trailer) ~~from~~ from front yard storage
OR apply for a VARIANCE. Sec. 415A
Recreational Vehicles are permitted in the
rear or side yard 12 ft from property lines

A VARIANCE application may be obtained
from the Zoning Desk at Room 111 in
the County Office Building in Towson.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 4/10/01	Date Issued: 2/28/01
--------------------------	-------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Wasilewski

INSPECTOR: Wasilewski

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:
-----------------	--------------

INSPECTOR: _____

AGENCY _____

TIME: 11:32:44 AUTOMATED PERMIT TRACKING SYSTEM PANEL BP1003M
DATE: 02/28/2001 GENERAL PERMIT APPLICATION DATA LAST UPDATE 02/22/2000
PLQ 08:10:02

PERMIT #: B351321 PROPERTY ADDRESS
RECEIPT #: A367961 11444 GLEN ARM RD
CONTROL #: NR SUBDIV: 2230 FT NW OF MANOR RD
XREF #: B351321 TAX ACCOUNT #: 2200023516 DISTRICT/PRECINCT 11 01
OWNERS INFORMATION (LAST, FIRST)
FEE: 154.00 NAME: DIETRICH, DANIEL
PAID: 154.00 ADDR: 11444 GLEN ARM RD GLEN ARM MD 21057
PAID BY:

DATES APPLICANT INFORMATION
APPLIED: 08/25/1998 NAME: DANIEL L. DIETRICH
ISSUED: 02/22/1999 COMPANY:
OCCPNY: 06/21/2000 ADDR1:
ADDR2:
INSPECTOR: 11R PHONE #: 410-529-9677 LICENSE #:
NOTES: COP EXT/PER\$77.00 (SS) A402477

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME: 11:32:53 AUTOMATED PERMIT TRACKING SYSTEM PANEL BP1004M
DATE: 02/28/2001 BUILDING DETAIL 1 LAST UPDATE 08/26/1998
PLQ 17:04:31

PERMIT # B351321 PLANS: CONST 0 PLOT 7 PLAT 0 DATA 0 EL 1 PL 1
TENANT
BUILDING CODE: 1 CONTR: OWNER
IMPRV 1 ENGNR:
USE 01 SELLR:

FOUNDATION BASE WORK: RECONSTRUCT SFD ON EX. FOUNDATION AND ADDITION
2 1 ON FRONT PORCH & GARAGE. HOUSE DECLARED UNSAFE
CONSTRUC FUEL SEWAGE WATER DUE TO TERMITE INFESTATION AND WATER DAMAGE.
2 2 2E 2E PLANS DETERMINED BY INSPECTOR. WAIVE PLANS
CENTRAL AIR 1 PER RSW. 61'10"X34'10"X25'=3,804SF. 2 BDRMS.

ESTIMATED COST

60,000.00 PROPOSED USE: SFD RECONSTRUCTED PER TERMITE DAMAGE

OWNERSHIP: 1 EXISTING USE: SFD

RESIDENTIAL CAT: 1

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: 2 PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

TIME: 11:33:08
DATE: 02/28/2001

AUTOMATED PERMIT TRACKING SYSTEM
BUILDING DETAIL 2

PANEL BP1005M
LAST UPDATE 08/26/1998
PLQ 17:04:31

PERMIT #: B351321

BUILDING SIZE
FLOOR: 3,804SF
WIDTH: 61'10"
DEPTH: 34'10"
HEIGHT: 25'
STORIES: 2+BASE

LOT SIZE AND SETBACKS
SIZE: 2.11AC
FRONT STREET:
SIDE STREET:
FRONT SETB: 170'
SIDE SETB: 34'/48'
SIDE STR SETB:
REAR SETB: 35'

GARBAGE DISP: N
POWDER ROOMS: 0
BATHROOMS: 1
KITCHENS: 1

LOT NOS:
CORNER LOT: N

ZONING INFORMATION

DISTRICT:
PETITION:
DATE:
MAP:

BLOCK:
SECTION:
LIBER: 000
FOLIO: 000
CLASS: 04

ASSESSMENTS

LAND: 0077770.00
IMPROVEMENTS: 0043560.00
TOTAL ASS.:

PLANNING INFORMATION

MSTR PLAN AREA: SUBSEWER: CRIT AREA: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

ALL LOTS OF THE PROPERTY ARE SHOWN TO THE
 BEST OF OUR KNOWLEDGE. NO SEPTIC SYSTEMS ARE WITHIN
 100' OF THE PROPERTY TO THE BEST OF OUR KNOWLEDGE.

24. THERE IS NO DISTURBANCE ON THIS SITE. THE HOUSE IS
 EXISTING.

SOIL TYPES:

TYPE	CLASS	HOMESITES W/BASE	HOMESITES W/O-BASE	STREETS/PARKING
MOD.	B	MOD. SLOPE	MOD. SLOPE	SEV. SLOPE
MHO	B	SEV. SLOPE	SEV. SLOPE	SEV. SLOPE

PARCEL CONSOLIDATION PLAN #99-087M

11444 GLEN ARM ROAD

11th ELECTION DISTRICT
 6th COUNCILMANIC DISTRICT
 CENSUS TRACT 4112.02



Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners
 2835 Smith Avenue, Suite G
 Baltimore, Maryland 21209
 Telephone: (410) 653-3838
 Facsimile: (410) 653-7953



				SCALE	1" = 30'
				DATE	8-27-99
				JOB NO.	98157
				DESIGNED	EVT
				DRAWN	EVT
				CHECKED	GLD
				FILE	98157RUB.DWG
				DRAWING NUMBER	S-1
NO.	DATE	REVISIONS	BY	SHEET	1 OF 1

IN RE: PETITION FOR VARIANCE

NE/S Glen Arm Road, 2250' N of Manor Road,
(11444 Glen Arm Road)
11th Election District
6th Councilmanic District

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Daniel Dietrich and Vienna Heerd
Petitioners

* Case No. 99-183-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Daniel Dietrich and Vienna Heerd. The Petitioners seek relief from Sections 1A04.3.B.2 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit lot line setbacks of 20 feet and 24 feet in lieu of the required 50 feet each, and to allow an existing shed to remain in the front yard in lieu of the required rear yard location. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Daniel Dietrich and Vienna Heerd, property owners, Frank L. Dietrich, Richard E. Matz, Professional Engineer who prepared the site plan for this property, and Deborah Dopkin, Esquire, attorney for the Petitioners. Also appearing in support of the request were Gary Heiderman, adjoining property owner, William Bissell, and Teresa Louro. Appearing as Protestants in the matter were numerous residents of the surrounding community, all of whom signed the Protestants' Sign In Sheet. Serving as spokespersons for the group were Dudley Brownell, adjoining property owner, and Stanley M. Pollack.

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.11 acres, more or less, zoned R.C.5. The property is located not far from Gunpowder Falls State Park, and vehicular access thereto is by way of a driveway that leads to Glen Arm

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date

by

Road. Testimony indicated that the subject property is actually a compilation of what were originally four separate lots of record. However, the Petitioners purchased the property as a single parcel and will formally combine the four lots into one single lot, pending the outcome of the request for variance.

The property was previously improved with a single family dwelling which was shown in several photographs submitted at the hearing. That dwelling was constructed in the 1950s and had apparently become termite infested and was in a dilapidated condition when the Petitioners purchased the property. In order to improve the property, the Petitioners razed the dwelling, apparently without the benefit of a County razing permit.

The Petitioners propose to construct a new single family dwelling on essentially the same building footprint as the old dwelling. In fact, it was indicated that the existing foundation has been preserved and will be utilized. The building envelope will be slightly larger, however, primarily due to the proposed construction of an attached two-car garage and porch on the front of the house. As a result of these improvements, lot line setbacks of 20 feet and 24 feet will be maintained, in lieu of the required 50 feet. It was indicated at the hearing that the previous dwelling had also been deficient, insofar as setbacks were concerned; however, was grandfathered under the regulations in view of its age. Variance relief is also required to allow a shed to remain in the front yard. The site plan and photographs submitted show that there are two sheds presently on the property.

The granting of variance relief is provided in Section 307 of the B.C.Z.R. That Section allows the Zoning Commissioner to grant relief upon making certain findings of fact; to wit, that the property at issue is unique, that the Petitioner/Property Owner would suffer a practical difficulty or unreasonable hardship if relief were denied, and that relief can be granted within the spirit and intent of the zoning regulations and without adverse impact to the surrounding locale. (See also, Cromwell v. Ward, 102 Md. App. 691 (1995).

Turning first to the uniqueness of the property, I am persuaded that this property is indeed unique. The uniqueness arises from several factors. First, the property is of an irregular

shape. Also, the grade of the property is somewhat irregular. That is, the site of the previous house and existing foundation is one of the few flat portions of the property. Although structures can be built into a grade, it is clear that a flat grade is more desirable. Finally, uniqueness is also determined by the location of existing improvements on the site, not only including the foundation, but the existing septic reserve area and well. For all of these reasons I find that the property is unique.

Second, I also find that the Petitioners would suffer a practical difficulty if relief were denied. Owing to the site constraints set forth above, the area for building where all setbacks would be observed is extremely limited. Due to the irregular shape of the property, there is an extremely small area where a building footprint could be located and 50-foot setbacks maintained. As importantly, the location of the new structure elsewhere on the property would threaten the viability of the existing well and septic field, as well as well and septic systems off-site. County environmental regulations require appropriate setback distances between septic systems and wells, even those on adjacent properties. These regulations significantly limit the Petitioners' options.

Third, I find that there will be no detrimental impact on the surrounding locale occasioned by the granting of the variance. Moreover, the granting of the relief will be consistent with the spirit and intent of the zoning regulations.

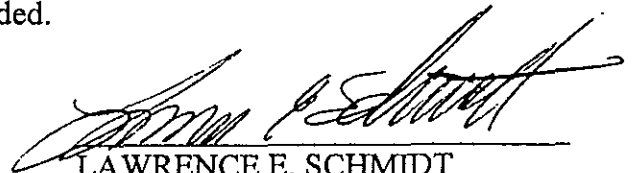
In this regard, the opposition of the Protestants is quite difficult to fathom. The Petitioners are utilizing an existing parcel and propose to improve same with one single family dwelling, irrespective of the fact that they might arguably develop the property with four individual units. That is, rather than developing the parcel based upon its potential maximum development rights as four separate lots of records, these Petitioners are willingly limiting development to a single structure. Moreover, the Petitioners have razed a structure which was admittedly in a state of disrepair and intend to replace same with a new building, thereby enhancing this property and the surrounding neighborhood. Furthermore, the Petitioners are essentially developing the property with nothing more than what has previously existed for

nearly half a century. The property is located in a rural area that features large, single family dwellings on equally large lots. The Petitioners' proposal is not out of character or context with the area and I find no merit with the objections of the Protestants. The Petition shall therefore be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the requested variance shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of January, 1999 that the Petition for Variance seeking relief from Sections 1A04.3.B.2 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit lot line setbacks of 20 feet and 24 feet in lieu of the required 50 feet each, and to allow an existing shed to remain in the front yard in lieu of the required rear yard location, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
1/21/99
1/21/99
1/21/99



The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

CHAMBERS OF
JOHN GRASON TURNBULL, II

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
410-887-2647

PETITION OF SUMMERFIELD FARMS
ASSOC., INC., et al.

PETITIONERS

PETITION FOR JUDICIAL REVIEW
OF THE DECISION OF:

THE COUNTY BOARD OF
BALTIMORE COUNTY
ROOM 49, OLD COURTHOUSE
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

IN THE CASE OF: IN THE MATTER
OF DANIEL DIETRICH and
VIENNA HEERD

* IN THE
*
* CIRCUIT COURT
*
* FOR
*
* BALTIMORE COUNTY
*
* CASE NO.: 03-C-00-7365

Case # 99-183-A

* * * * *

OPINION AND ORDER

This case comes before this Court upon a Petition for Judicial Review of the decision by the County Board of Appeals (the "Board") filed by Summerfield Farms Association, Inc., Mr. & Mrs. Dudley C. Brownell, Virginia Sarant, and Marvin Johnson ("Petitioners"). The Board affirmed a decision made by the Zoning Commissioner of Baltimore County ("Commissioner") to grant a petition for a Variance made by Daniel Dietrich and Vienna Heerd ("Homeowners") pursuant to Section 307 of the Baltimore County Zoning Regulations ("BCZR"). The petition

for a Variance requested a modification of the setback requirements from 50 feet to 20 and 24 feet. This court heard argument on January 22, 2001 and held the matter sub curia pending a review of the record.

The issue presented before this Court is whether the County Board of Appeals of Baltimore County correctly recognized and applied the correct principles of law governing the case and whether its decision was based on substantial evidence and was fairly debatable.

This case involves the reconstruction of a dwelling on 11444 Glen Arm Road. The Homeowners contracted to purchase the property in 1998, subject to well and septic tests. After the septic system failed, the contract was amended to require the seller to repair the septic system prior to settlement. The Baltimore County Department of Environmental Protection approved the reconstruction of the septic system. The Homeowners then took possession of the property and began renovations. After renovations were begun, the Homeowners discovered that the house was so damaged by water and infested with termites that it was structurally unsound. They then decided to raze the dwelling and applied for a permit to allow them to reconstruct the dwelling on the existing foundation. When reconstructing the dwelling, the Homeowners replaced what was a carport with an attached garage. The setback was actually increased by approximately 17 feet when the garage was added and the carport was eliminated.

BCZR § 307 provides for the power of the Zoning Commissioner and County Board of Appeals of Baltimore County to grant variances from height and area regulations “only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship....Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said

height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare.” B.C.Z.R. §307

Petitioners argue that the Board erred in concluding that the property was unique. They assert that the property was not unique in any way when compared to properties on the same side of Glen Arm Road. Appellants also argue that the environmental constraints relied on by the Board to support its conclusion that the property was unique were manmade constraints, attributable to the Homeowners. Appellants’ arguments rely on the language in the cases *Cromwell v. Ward*, 102 Md. App. 691, 651 A.2d 424 (1995) and *Ad+Soil, Inc. v. County Commissioners*, 307 Md. 317, 513 A.2d 893 (1986). This Court disagrees and is of the opinion that the decision of the Board is supported by both applicable law and facts. As such, the decision must be affirmed.

Cromwell v. Ward upholds prior case law and reasserts two requirements for the granting of variances. The petitioners must show (ii) that the difficulties or hardships were peculiar to the property in question in contrast with those of other property owners in the same district and, (ii) that the hardship was not the result of the applicants’ own actions.” *Marino v. Mayor and City Council of Baltimore*, 215 Md. 206, 137 A.2d 198 (1957).

At the hearing before the Board, Richard Matz, a professional engineer, was qualified as an expert in civil engineering and site development. He testified that because of the steep slopes on the property, the irregular triangular shape of this particular lot, the limited level area, the location of the septic system and the proximity of wells on adjoining properties, it was impossible to locate the dwelling anywhere else on the property without violating either the zoning regulations or a county environmental regulation or policy.

Bruce Seely, a representative from the Department of Environmental Protection and

Resource Management testified about the policy prohibiting up-hill septic pumping. He also testified about the recent change to allow it, but only in cases of new construction. The property involved here doesn't apply as it is not new construction, rather it is reconstruction on an original foundation.

Based upon this expert testimony, the Board found that the property was particularly unique to the surrounding properties based on its irregular triangular shape, steep slopes and environmental constraints. The Board also found that due to the topography of the land, the relocation of the dwelling would require the removal of the septic system, well, and driveway, which would result in a practical difficulty. Because of these factors, the Board decided that application of the zoning ordinances imposes a practical difficulty and undue hardship on the Homeowners.

These factors led to to the location of the original house which also violated the setback requirements. The Board also found that none of these factors were self-imposed by the Homeowners. It reasoned, "The new structure was constructed on the original foundation, and to allow a moderate enlargement is reasonable." Bd. of Appeals Opinion, p. 10. Finally, the Board decided that the variance is consistent with the spirit and intent of the zoning regulations.

The order of a county zoning authority must be upheld on review if it is not premised upon an error of law and if its conclusions reasonably may be based upon the facts proven. *Umerley v. People's Counsel*, 108 Md. App. 497, 672 A.2d 1049 (1996). The fairly debatable test is "whether a reasoning mind reasonably could have reached the actual conclusion the agency reached; this need not and must not be either judicial fact-finding or a substitution of judicial judgment for agency judgment." *Board of County Comm'rs v. Holbrook*, 314 Md. 210, 550 A.2d 664 (1988).

Based upon the review of the record, it is the opinion of this court that the conclusions reached by the Board were reasonably based upon the facts proven and are supported by substantial evidence. This court will not substitute its judgment when a reasoning mind reasonably could have reached the same conclusion made by the Board. The testimony of the experts who testified at the hearings was uncontradicted. These experts testified that the characteristics of the property in question made the grant of a variance appropriate. The Board based its conclusions upon this uncontradicted testimony. Therefore, the decision of the Board of Appeals for Baltimore County is AFFIRMED, with costs of this appeal to be paid by the Petitioners.



JOHN GRASON TURNBULL, II
JUDGE


DATE Feb 20, 01

Copies: Deborah Dopkin, Esq.
Michael Tanczyn, Esq.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

June 23, 2000

Michael P. Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: In the Matter of Daniel Dietrich and
Vienna Heerd /Case No. 99-183-A

Dear Mr. Tanczyn:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules of Procedure*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kathleen C. Bianco", followed by the word "for" in a smaller, simpler script.

Kathleen C. Bianco
Administrator

Enclosure

c: Summerfield Farms Association
Dudley and Betty Brownell
Ginny Sarant
✓ Deborah C. Dopkin, Esquire
Daniel Dietrich and Vienna Heerd
Stanley Pollack
People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

IN THE MATTER OF
THE APPLICATION OF
DANIEL DIETRICH AND VIENNA HEERD
- PETITIONERS FOR VARIANCE ON
PROPERTY LOCATED ON THE NE/S
GLEN ARM ROAD, 2250' N OF MANOR RD
(11444 GLEN ARM ROAD)
11TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 99-183-A

* * * * *

OPINION

This case comes before the Board of Appeals of Baltimore County based on a timely appeal resulting from the granting of a variance (Case No. 99-183-A) by the Zoning Commissioner. Three days of public hearing before this Board were held on August 4, 1999; November 3, 1999; and February 29, 2000. A public deliberation was held on April 13, 2000.

The Petitioners, Daniel Dietrich and Vienna Heerd, were represented by Deborah Dopkin, Esquire. The Appellants, Summerfield Farms Association, Dudley and Betty Brownell, and Virginia Sarant, were represented by Michael Tanczyn, Esquire.

On a preliminary matter, counsel for the Petitioners, Deborah Dopkin, submitted a Motion to Quash and a Motion for Protective Order in response to subpoenas filed by the Appellants' counsel, Michael Tanczyn. Ms. Dopkin argued that the information requested added nothing relevant to the variance request before the Board and that some of the items requested were inflammatory as well as inappropriate. Ms. Dopkin also noted that one of her Petitioners, Ms. Heerd, was not able to be at the hearing of August 4, 1999.

Mr. Tanczyn countered that each request was related to one of the items in the Zoning Commissioner's findings and that all items had bearing on the question of uniqueness and

practical difficulty. He stated that the items described by Ms. Dopkin as "inflammatory" were, in fact, necessary to determine the credibility of the witnesses.

The Board then denied the Motion to Quash and ordered that Ms. Heerd must appear and that all but item #3 (which was denied) would be held *sub curia* until the evidence could be obtained.

Counsel for both sides made a joint motion that the hearing be continued in order to collect the required information and to allow Ms. Heerd to be present. The Board granted the joint motion and the hearing was scheduled to be continued on November 3, 1999.

On that date the hearing began with a statement by the counsel for the Petitioners, Ms. Dopkin, that a variance of the setback requirements to allow 20 feet and 24 feet in lieu of the required 50 feet had been granted by the Zoning Commissioner, that the subject site is indeed unique, and that the variance request should be granted by the Board.

For the Protestants, Mr. Tanczyn stated that a variance was not needed by the Petitioners because the subject property is 2.11 acres, more than double the minimum lot size, and that the Petitioners are able to meet the setback requirements without a variance. He noted that the variance standards do not allow for a "preference variance" or self-created hardship.

The first witness for the Petitioners was Richard Matz of Colbert, Matz, Rosenfield, Inc. Licensed and registered in Maryland since 1973, Mr. Matz was accepted by the Board as an expert in civil engineering. Mr. Matz testified that he had prepared the plan for the variance request (Petitioners' Exhibit #1). He indicated that the area surrounding the subject site is zoned R.C. 5 with lots of one acre or more, many improved with two-story single-family dwellings with attached garages. He said that the area is rural-residential with no farms or commercial uses.

Mr. Matz then described the subject site as 2.11 acres with a steep topography of more than 15 percent grade on average. He stated that the only flat portion was where the existing house was built. The well is about 10 years old, and the original septic system was put in when the house was built in the 1950s.

Mr. Matz offered as evidence a 200-scale aerial photo, dated 1986 (Petitioners' Exhibit #3), which showed the old house and also the neighbors' houses nearest the site. Mr. Matz opined that the closest house is that of the Heidermans, directly below the subject property and about 270 feet away.

He also introduced a topographical map (Petitioners' Exhibit #4), not field run but taken from a Baltimore County map, which depicts the steepness of various portions of the subject site. He reiterated that the house was built on the flattest portion of the site, as was the original dwelling.

Mr. Matz stated that the lot purchased by the Petitioners contained four separate parcels which they were consolidating into one. A plat had been prepared, the consolidation had been approved, and the document awaited signature at this time. Once consolidated, the subject site would permit only one house, in Mr. Matz' opinion, because of environmental and topographical constraints.

In Petitioners' Exhibit #6, Mr. Matz prepared a drawing showing the original house location, the 50-foot required setback lines, and the new house with the attached garage encroaching into the required setback area. The original house also encroached into the setback area.

Petitioners' Exhibit #7, prepared and presented by Mr. Matz, was a drawing showing the site constraints: the location of the existing well, the new septic system, the septic reserve area,

the slopes greater than 20 percent, the driveway, the foundation of the original house and the new house. Mr. Matz stated that the attached garage could not be built on any other part of the site because of the steepness of the slopes and the area constrained as the septic reserve.

Mr. Matz also testified that the new house is consistent with others in the neighborhood in size and style. He noted that this property is peculiar because of its irregular triangular shape, the steepness of the slopes and the existing environmental factors such as the location of the well and septic systems as well as the location of neighboring wells. He noted that these qualities were not created by the owners but were existing factors when they made their purchase. To build anywhere else would, in his opinion, require pumping septic uphill into a grinder pump in the basement. He also noted that building at the requested location fulfilled the spirit and intent of the *Baltimore County Zoning Regulations* (BCZR) and did not infringe on the neighboring houses which were at least 270 feet away.

In his opinion the Petitioners' request was precisely why the variance law was enacted. The prior structure intruded into the current setbacks as it was originally constructed; the new structure will not increase density and in fact density may be reduced by consolidating the parcels; and the house could not be placed in any other location without violating other regulations.

On cross-examination, Mr. Tanczyn asked Mr. Matz about the location of the house, well and septic system for the subject property. Mr. Matz indicated that the original house had been razed, leaving only the foundation, when he first viewed the property. The well had long been located as indicated on the plat, and the current septic system, which replaced the original septic system prior to settlement with the Petitioners, was in place and approved by Baltimore County as a repair to an existing system.

On viewing the sealed plat, dated October 7, 1998 (Protestants' Exhibit #9), Mr. Matz agreed that the plat showed only the original foundation and not the proposed garage and porch.

Mr. Tanczyn also asked Mr. Matz about the accuracy of Petitioners' Exhibit #4 relative to slope analysis. Mr. Matz admitted that his analysis is not 100 percent accurate when taken from an existing map rather than an actual field analysis. Mr. Matz also testified that there is ample land to build the Petitioners' house in the center of the property, except for the constraints he had outlined. Further, in comparing Petitioners' Exhibit #4 (the parcels of the subject site) and Petitioners' Exhibit #7 (the constraints map), Mr. Matz agreed that the proposed house could be built on the largest parcel, but in his opinion that would require a review by Baltimore County's Department of Environmental Protection and Resource Management (DEPRM) and probably a waiver to allow pumping septic uphill. In Mr. Matz' opinion, there was nowhere on the subject site where the Petitioners could totally comply with all environmental requirements as well as setback regulations.

Next to testify was one of the Petitioners, Daniel Dietrich. Mr. Dietrich stated that he owned the subject property along with his fiancée, Ms. Heerd. At the time of purchase it had been their intention to renovate the existing house. He indicated that he did not have any involvement in the location of the existing septic system, and the area above the garage is designed for storage, not living area.

On cross-examination by Mr. Tanczyn, Mr. Dietrich testified that he and his fiancée decided to raze the original house after the settlement when they discovered extensive termite and water damage to the kitchen, bedrooms and living room. He explained that, when he removed the old wall-to-wall carpet, he found that the floors were rotted out. The structure was razed at the end of July 1998.

The next witness was Sally Heiderman of 11442 Glen Arm Road who testified that her property is directly in front of the subject property. Ms. Heiderman said that she supports the Petitioners' variance request. She had lived at her current residence as a child and then purchased the property from her parents in 1985. She believes that the Dietrich/Heerd house is compatible with the neighborhood and that the new house has the same amount of living space as the old house which was razed.

On cross-examination by Mr. Tanczyn, Ms. Heiderman explained that the garage and the front porch are larger than the original house, which had a carport and a small porch. Upon examining Protestants' Exhibit #12, she agreed that the new garage is two stories rather than one, but it could accommodate the same number of cars, two. She also admitted that she had never specifically measured either the new or the old structures.

On the third day of hearing, February 29, 2000, Daniel Dietrich was recalled to examine the Contract to Purchase and Addenda which were admitted as Protestants' Exhibit #16. Mr. Dietrich testified that the contract was contingent on having a working well and septic system. He indicated that an addendum dated May 22, 1998, requested that the sellers replace the septic tank, drain field and line to the house. The addendum was signed by both the sellers and the purchasers. Mr. Dietrich testified that he was not present for any of the work done on the septic system. The replacement request came as a result of an inspection by Baltimore County which indicated that the old system was failing.

Protestants' Exhibit #17 was a location survey and a certificate of termite inspection. Mr. Dietrich noted that the termite inspection indicated there were no problems in that regard. He then reiterated that he found the damage in July when he started working on the house. He indicated that he performed the razing himself for the most part, although he had some help with

the demolition. Mr. Dietrich admitted that he did not obtain a razing permit because he did not know that he needed one. Further, he did not investigate other locations for the new house because he was building on the old foundation in the same location. He did obtain a permit to reconstruct a dwelling on the same foundation as the prior residence.

The next witness, Dorothy Streb, testified as the representative of Summerfield Farms, Inc. Rule 8 papers were submitted and accepted as Protestants' Exhibit #22. Ms. Streb testified that the subject property is within the boundaries of her association. As the spokesman for the organization and its Zoning Chairman, Ms. Streb voiced opposition to the variance because of 1) non-compliance with the BCZR; 2) a pattern of behavior on the part of the Petitioners shown by their neglect to get a razing permit; 3) environmental concerns related to the removal of asbestos roof shingles without oversight of DEPRM; and 4) the fact that the granting of such a variance will set a bad precedent and encourage others to ignore the BCZR.

Ms. Streb opined that the subject site is not unique in any way, that all of the area in Summerfield is hilly, and many of the lots are irregularly shaped. On cross-examination by Ms. Dopkin, Ms. Streb testified that she had not investigated whether all houses in the area met setbacks as required nor did she know if any had been permitted to pump septic uphill. She also said that she did not know the exact requirements about asbestos shingle removal but that it was her "understanding" that a permit is required.

Protestant Virginia Sarant was the next witness. She testified that her property is opposite and downhill from the subject site. She expressed concerns about water running down the right-of-way road and creating erosion. She also expressed concern about the variance request because she felt that the Petitioners did not really need one and the property is not unique.

The next Protestant to speak was Betty Brownell whose property is immediately to the north of the subject property with the primary residence about 600 feet from the new construction. Protestants' Exhibit #18A-B, 19A-B, 20A-D, 21, and 23A-B were photos taken by Mrs. Brownell. Both Petitioners and Protestants agree that the photos are an accurate representation of the subject property as it currently exists. Mrs. Brownell stated that she is opposed to the request for variance and that all properties in the area are similarly hilly in contour.

Bruce Seeley, project manager for DEPRM, was called to testify. Mr. Seeley indicated that he had reviewed the file on the subject property and that he is familiar with the setback requirements relative to placement of well and septic systems. These requirements are regularly reviewed by his department as well as the Maryland Department of the Environment.

He stated that a permit to reconstruct plumbing was issued on June 18, 1998, to replace the existing septic tank and install a 175-foot absorption trench. He said the undated inspection report indicated that the new sewage disposal system had been installed per permit; that it should be sufficient for a two-bedroom house; and that approval was recommended.

Mr. Seeley further testified that the house might be placed to the northeast of the existing well head, but he emphasized that he was only speaking in regard to the regulations concerning well and septic. He indicated that this location would require pumping septic uphill which was permitted for new construction only. In this case the permit was for a repair to an existing system. In addition he stated that he was unfamiliar with the area on the whole and that he did not know if neighboring wells would be affected by that location.

Dudley Brownell, neighbor, also testified as to his objection to the Petitioners' request for variance. He said that the west side of Glen Arm Road is hilly, but that the east side is flatter land and gentle hills.

Gary Heiderman, Mrs. Heiderman, and Mrs. Sarant also spoke on the issue of water runoff from the subject site.

Section 307 of the BCZR permits granting of a variance upon certain terms and conditions, which in pertinent part allows a variance where special circumstances or conditions exist that are peculiar to the land that is the subject of the variance requested, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

Under the Court of Special Appeals decision in *Cromwell v. Ward*, 102 Md.App. 691 (1995), which sets forth the legal standards under which a variance may be granted, the Board of Appeals, hearing the case *de novo*, is given the task of interpreting regulations and statutes where issues are debatable in the light of the law. The first burden on the Petitioner for variance is to prove that the property is unique. This standard must be met before other parts of the variance requirements can be properly considered.

Upon consideration of the testimony and evidence offered during this hearing, the Board finds that the subject property is unique because of its irregular shape, its steep slopes, and the environmental constraints which make locating the house elsewhere on the site impractical if not impossible. Mr. Matz, accepted as an expert in civil engineering, testified fully as to these factors and his testimony was uncontradicted by the Protestants.

Having established that the subject property is unique, the Board finds that the application of the zoning ordinance imposes a practical difficulty and undue hardship on the

Petitioners. As a matter of fact the location of the existing well and adjacent wells, in addition to the location of the septic system and septic reserve area plus the steepness of the topography, render the current location of the house the appropriate one. Indeed, these factors led to the location of the original house which also violated the modern day setback requirements of 50 feet. None of these factors was self-imposed by the Petitioners. The new structure was constructed on the original foundation, and to allow a moderate enlargement is reasonable.

The third and final prong of the standards as found in *Cromwell* speaks to the spirit and intent of the zoning regulations. It is clear to this Board that the construction by the Petitioners meets this standard. The new house, built on the old foundation, is compatible in size and style with others in the neighborhood, and is actually an improvement on the dilapidated building that it replaced. Uncontradicted evidence and photographs show that the structure is at least 270 feet from the nearest neighbor's dwelling and screened from all neighbors by woods. There is no increase in density brought about by this construction. Therefore there will be no injury to public safety and welfare by granting the variance request.

While the appeal was taken by the Protestants as to "all aspects of the Zoning Commissioner's decision," there was no evidence or discussion presented relative to the shed in the front yard. All evidence and testimony presented related strictly to the variance request. Therefore the aspect of the shed in the front yard was not an issue before the Board and remains as granted by the Zoning Commissioner.

In conclusion, the Board is unanimous in granting the Petition for Variance seeking relief from Sections 104.3.B.2 and 400.J of the BCZR to permit lot line setbacks of 20 feet and 24 feet in lieu of the required 50 feet each, and to allow an existing shed to remain in the front yard in lieu of the required rear yard location as shown in Petitioners' Exhibit #1.

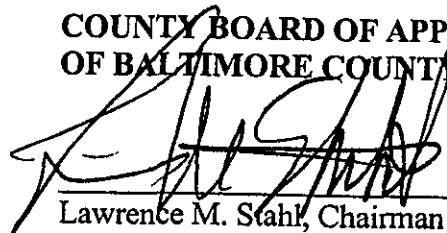
ORDER

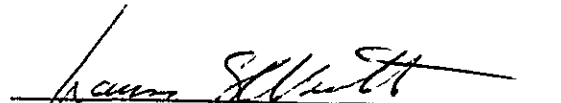
THEREFORE, IT IS THIS 23rd day of June, 2000 by the
County Board of Appeals of Baltimore County

ORDERED that Petitioners' request for variance relief seeking to permit lot line setbacks of 20 feet and 24 feet in lieu of the required 50 feet each be and the same is hereby **GRANTED**. It is also noted that Petitioners' request for variance relief to allow an existing shed to remain in the front yard in lieu of the required rear yard location was not an issue before the Board and therefore remains as granted by the Zoning Commissioner.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence M. Stahl, Chairman


Lawrence S. Wescott


Margaret Worrall

#38
89-100SPH

PETITION FOR SPECIAL HEARING

BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

IT IS HEREBY ORDERED BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY THAT A HEARING IS REQUIRED IN THE DISCRETION OF THE ZONING COMMISSIONER, PURSUANT TO SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR PROPERTY SITUATE IN BALTIMORE COUNTY FOR A PUBLIC HEARING FOR THE PROPER INTERPRETATION OF THE BALTIMORE COUNTY ZONING REGULATIONS.

J. Robert Haines
J. ROBERT HAINES

THE PETITION FOR A SPECIAL HEARING UNDER SECTION 500.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR A PUBLIC HEARING FOR THE PROPER ENFORCEMENT AND/OR INTERPRETATION OF SECTION 417 AS IT APPLIES TO LOTS 42, 43 and 44 OF TRIPLE UNION PARK, PLAT BOOK 10/80, AND LOTS 11, 12, BLOCK I AND LOTS 12 THROUGH 19, BLOCK H OF LYNCH POINT PLAT BOOK 8/38, 15th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

PROPERTY IS TO BE POSTED AND ADVERTISED AS PRESCRIBED BY ZONING REGULATIONS.

AFFECTED PROPERTY OWNERS:

1. WILLIAM E. & FREIDA C. FOULKE
3111 ROGER ROAD
BALTIMORE, MD 21219
(LOTS 11, 12 LYNCH POINT)

2. HELEN MICHALSKI
3134 (BOX 10) MAIN AVENUE
BALTIMORE, MD 21219
(LOTS 43, 44 TRIPLE UNION PARK)

3. EUGENE A. & DORIS DAVIDSON
3107 NEWTON ROAD
BALTIMORE, MD 21219
(LOTS 12-18 LYNCH POINT)

4. SAMUEL B. & ELIZABETH C. POIST
3136 MAIN AVENUE
BALTIMORE, MD 21219
(LOT 42 TRIPLE UNION PARK)

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of JULY, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of August, 1988, at 8:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
Application of Section 417		
to Lots 42,43 and 44 of	*	ZONING COMMISSIONER
Triple Union Park, et al		
7th Councilmanic District	*	OF BALTIMORE COUNTY
15th Election District		
	*	CASE # 89-100SPH

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This hearing concerns a Petition for Special Hearing issued by the Zoning Commissioner pursuant to Section 500.7 empowering the Zoning Commissioner to conduct such other hearings and pass such Orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations and pursuant to Section 500.6 empowering the Zoning Commissioner, upon notice to the parties in interest, to conduct hearings involving the proper interpretation of the Baltimore County Zoning Regulations (B.C.Z.R.). The hearing upon this Petition for Special Hearing was called by the Zoning Commissioner to interpret Section 417 of the B.C.Z.R. as it applies to Lots 42, 43 and 44 of Triple Union Park, Plat Book 10/80 and Lots 11, 12, Block I and Lots 12 through 18, Block H of Lynch Point Plat Book 8/38, 15th Election District, Baltimore County, Maryland.

There are technically no Petitioners or Protestants in this matter since the Petition for Special Hearing was called by the Zoning Commissioner. There are, however, numerous property owners with interest either direct or indirect in the outcome of this matter. The Office of Zoning has determined that the following parties are directly involved in this matter:

William E. and Freida C. Foulke
3111 Roger Road, Baltimore, Md. 21219
Owner of Lots 11 and 12 Lynch Point

ORDER RECEIVED FOR FILING

Date

4/3/88
M. H. H. H.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

July 29, 1988

William E. & Freida C. Foulke
3111 Roger Road
Baltimore, MD 21219



Dennis F. Rasmussen
County Executive

RE: Zoning Public Hearing
#89-100SPH, Item #38

Dear Mr. or Mrs. Foulke:

The purpose of this letter is to officially notify you that the Zoning Commissioner has ordered that a public hearing take place as indicated on the attached petition. The principal purpose of the public hearing is to determine the waterfront construction limits of the four properties listed on the petition form as they relate to S.417, Baltimore County Zoning Regulations.

As an affected property owner, obviously it is in your best interest to first attend the hearing and secondly to be prepared to represent your property waterfront rights regarding any existing construction or future construction limits. You may be represented by an attorney, but it is not required.

Enclosed are two copies of the petition, a zoning map and site plan. To acknowledge your receipt of this notification, please sign one copy of the petition next to your name and return it in the enclosed stamped envelope.

You may visit this office to review the hearing case file between 8:30 a.m. and 4:30 p.m. Monday through Friday, you may send letters or information to be included in the case file or you may call me in this office at 494-3391 for any additional information regarding this hearing.

Very truly yours,

JAMES E. DYER
Zoning Supervisor

P-549 222 498

FOR CERTIFIED MAIL

By: W. Carl Richards, Jr.
Zoning Coordinator

Mr. & Mrs. William E. Foulke
3111 Roger Avenue
Baltimore, MD 21219

.50

.85

.90

2.25

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. ☐ Show to whom delivered, date, and addressee's address. ☐ Restricted Delivery.	
3. Article Addressed to: Mr. & Mrs. William E. Foulke 3111 Roger Road Baltimore, MD 21219	4. Article Number P-549 222 498 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail
5. Signature - Addressee X <i>William Foulke</i>	Always obtain signature of addressee or agent and DATE DELIVERED.
6. Signature - Agent X	8. Addressee's Address (ONLY if requested and fee paid)
7. Date of Delivery 8 2 8 8	

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

July 29, 1988



Dennis F. Rasmussen
County Executive

Helen Michalski
3134 (Box 10) Main Avenue
Baltimore, MD 21219

RE: Zoning Public Hearing,
#89-100SPH, Item #38

Dear Mrs. Michalski:

The purpose of this letter is to officially notify you that the Zoning Commissioner has ordered that a public hearing take place as indicated on the attached petition. The principal purpose of the public hearing is to determine the waterfront construction limits of the four properties listed on the petition form as they relate to S.417, Baltimore County Zoning Regulations.

As an affected property owner, obviously it is in your best interest to first attend the hearing and secondly to be prepared to represent your property waterfront rights regarding any existing construction or future construction limits. You may be represented by an attorney, but it is not required.

Enclosed are two copies of the petition, a zoning map and site plan. To acknowledge your receipt of this notification, please sign one copy of the petition next to your name and return it in the enclosed stamped envelope.

You may visit this office to review the hearing case file between 8:30 a.m. and 4:30 p.m. Monday through Friday, you may send letters or information to be included in the case file or you may call me in this office at 494-3391 for any additional information regarding this hearing.

Very truly yours,

JAMES E. DYER
Zoning Supervisor

P-549 222 496

RECEIVED FOR CERTIFIED MAIL

By: W. Carl Richards, Jr.
Zoning Coordinator

Helen Michalski
3134 Box 10 Main Ave.
Baltimore, MD 21219

.50

.85

.90

2.25

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

July 29, 1988

Eugene A. & Doris Davidson
3107 Newton Road
Baltimore, MD 21219



Dennis F. Rasmussen
County Executive

RE: Zoning Public Hearing
#89-100SPH, Item #38

Dear Mr. or Mrs. Davidson:

The purpose of this letter is to officially notify you that the Zoning Commissioner has ordered that a public hearing take place as indicated on the attached petition. The principal purpose of the public hearing is to determine the waterfront construction limits of the four properties listed on the petition form as they relate to S.417, Baltimore County Zoning Regulations.

As an affected property owner, obviously it is in your best interest to first attend the hearing and secondly to be prepared to represent your property waterfront rights regarding any existing construction or future construction limits. You may be represented by an attorney, but it is not required.

Enclosed are two copies of the petition, a zoning map and site plan. To acknowledge your receipt of this notification, please sign one copy of the petition next to your name and return it in the enclosed stamped envelope.

You may visit this office to review the hearing case file between 8:30 a.m. and 4:30 p.m. Monday through Friday, you may send letters or information to be included in the case file or you may call me in this office at 494-3391 for any additional information regarding this hearing.

Very truly yours,

JAMES E. DYER
Zoning Supervisor

P-549 222 500

By: W. Carl Richards, Jr.
Zoning Coordinator

Mr. & Mrs. Eugene A. Davidson

3107 Newton Road

Baltimore, MD 21219

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.	
1. ☐ Show to whom delivered, date, and addressee's address.	2. ☐ Restricted Delivery.
3. Article Addressed to: Mr. & Mrs. Eugene A. Davidson 3107 Newton Rd. Baltimore, MD 21219	4. Article Number P-549 222 500 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail
Always obtain signature of addressee or agent and DATE DELIVERED .	
5. Signature - Addressee X <i>Eugene A. Davidson</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery 7-30-88	

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

July 29, 1988



Dennis F. Rasmussen
County Executive

Samuel B. & Elizabeth C. Poist
3136 Main Avenue
Baltimore, MD 21219

RE: Zoning Public Hearing
#89-100SPH, Item #38

Dear Mr. or Mrs. Poist:

The purpose of this letter is to officially notify you that the Zoning Commissioner has ordered that a public hearing take place as indicated on the attached petition. The principal purpose of the public hearing is to determine the waterfront construction limits of the four properties listed on the petition form as they relate to S.417, Baltimore County Zoning Regulations.

As an affected property owner, obviously it is in your best interest to first attend the hearing and secondly to be prepared to represent your property waterfront rights regarding any existing construction or future construction limits. You may be represented by an attorney, but it is not required.

Enclosed are two copies of the petition, a zoning map and site plan. To acknowledge your receipt of this notification, please sign one copy of the petition next to your name and return it in the enclosed stamped envelope.

You may visit this office to review the hearing case file between 8:30 a.m. and 4:30 p.m. Monday through Friday, you may send letters or information to be included in the case file or you may call me in this office at 494-3391 for any additional information regarding this hearing.

Very truly yours,

JAMES E. DYER
Zoning Supervisor

P-549 222 497
RECEIVED FOR CERTIFIED MAIL

By: W. Carl Richards, Jr.
Zoning Coordinator

Mr. & Mrs. Samuel B. Poist
3136 Main Ave.
Baltimore, MD 21219

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult Postmaster for fees and check box(es) for additional service(s) requested.	
1. ☐ Show to whom delivered, date, and addressee's address.	2. ☐ Restricted Delivery.
3. Article Addressed to: Mr. & Mrs. Samuel B. Poist 3136 Main Ave. Baltimore, MD 21219	4. Article Number P-549 222 497 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail
Always obtain signature of addressee or agent and DATE DELIVERED.	
5. Signature — Addressee X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X Philip A. Poist	
7. Date of Delivery 8/2/88	

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15 Date of Posting 8/6/88
Posted for: SPH - to determine Application of S 417 B.C.Z.R.
Petitioner: Zoning Commission
Location of property: E + w/s Roger Ave (waterfront) and 3139 +
3136 Main Ave. (waterfront)
Location of Signs: E/s Main Ave. between # 3139 + 3136
and E Roger Ave at the End of Paving
Remarks: _____
Posted by U. Carl Nialby Date of return: 8
Signature
Number of Signs: 3 (1 single, 2 Back to back)

NOTICE OF HEARING
Petition for Special Hearing
Case number: 89-100-SPH
BY THE ZONING
COMMISSIONER OF
BALTIMORE COUNTY:

It is hereby ordered by the Zoning Commissioner for Baltimore County that a hearing is required in the discretion of the zoning commissioner, pursuant to Section 500.7 of the Baltimore County Zoning Regulations for property situate in Baltimore County for a public hearing for the proper interpretation of the Baltimore County Zoning Regulations.

The petition for a special hearing under Section 500.7 of the Baltimore County Zoning Regulations for a public hearing for the proper enforcement and/or interpretation of Section 417 as it applies to Lots 42, 43 and 44 of Triple Union Park, Plat Book 10, 80 and Lots 11, 12, Block 1 and Lots 12 through 18, Block H of Lynch Point Plat Book 838, 15th Election District, Baltimore County, Maryland.

Property is to be posted and advertised as prescribed by zoning regulations.

Affected Property Owners
WILLIAM E. &
FREIDA C. FOULKE
3111 Roger Road
Baltimore, MD 21219
(Lots 11, 12 Lynch Point)

EUGENE A. &
DORIS DAVIDSON
5107 Newton Road
Baltimore, MD 21219
(Lots 12, 15 Lynch Point)

HELEN MICHALSKI
3134 (Box 12)
Main Avenue
Baltimore, MD 21219
(Lot 43, 44 Triple Union Park)

SAMUEL B. &
ELIZABETH C. FOSTER
3136 Main Ave.
Baltimore, MD 21219
(Lot 42, 43 Triple Union Park)

ORDERED BY _____

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., August 11, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on August 11, 1988.

THE JEFFERSONIAN,

S. Zebe Orlan
Publisher

PCF 02718
R.A. M18896

Case Number 01-460A

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

[illegible]

Revised 4/17/00

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

DANIEL DIETRICH

11444 Glen Ave RO

Vienna Dietrich

Same

FRANK L. DIETRICH

4333 CHAPEL / Red Perry Hn MD 21128



Revised 4/17/00

PETITIONER(S) SIGN-IN SHEET

ADDRESS

11444 Glen Arm RD

11442 Glenarm Rd

1444 Glen Arden Rd

4333 CHAPEL Rd PLYMOUTH 11/18/10

17441 Grew Arb P Cl Grew Arb Mrs

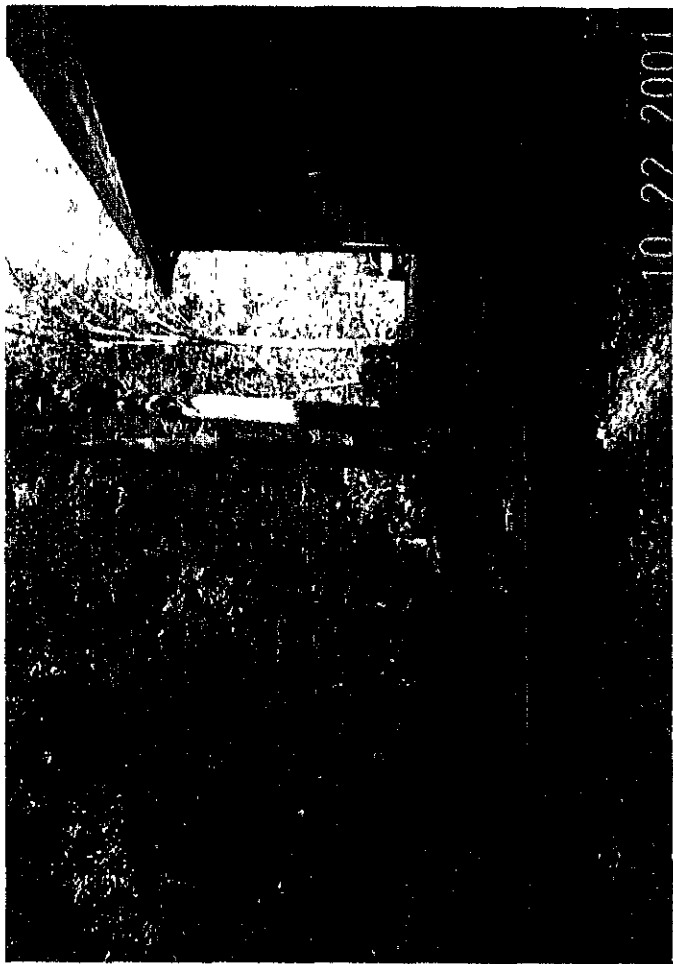
21057



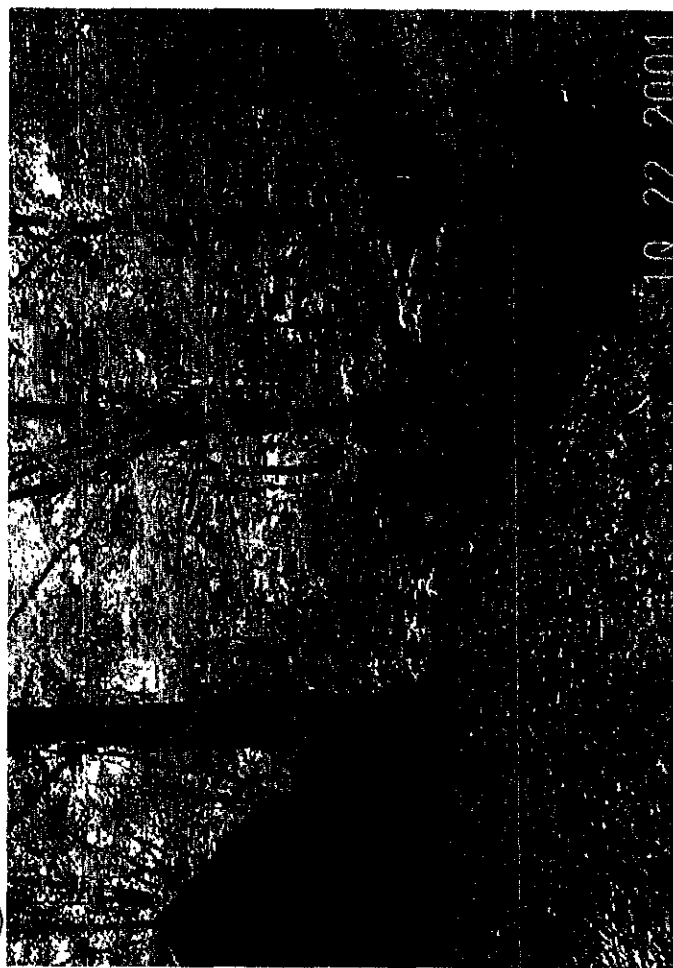
Printed with Soybean Ink
on Recycled Paper

Case # 01-460-A

①



②



③



④



⑤



Case # 01-568-A

24

10' from edge of raised sidewalk to
top of drop off.
13' from corner of House to top
of drop off.
(See Picture # 3)

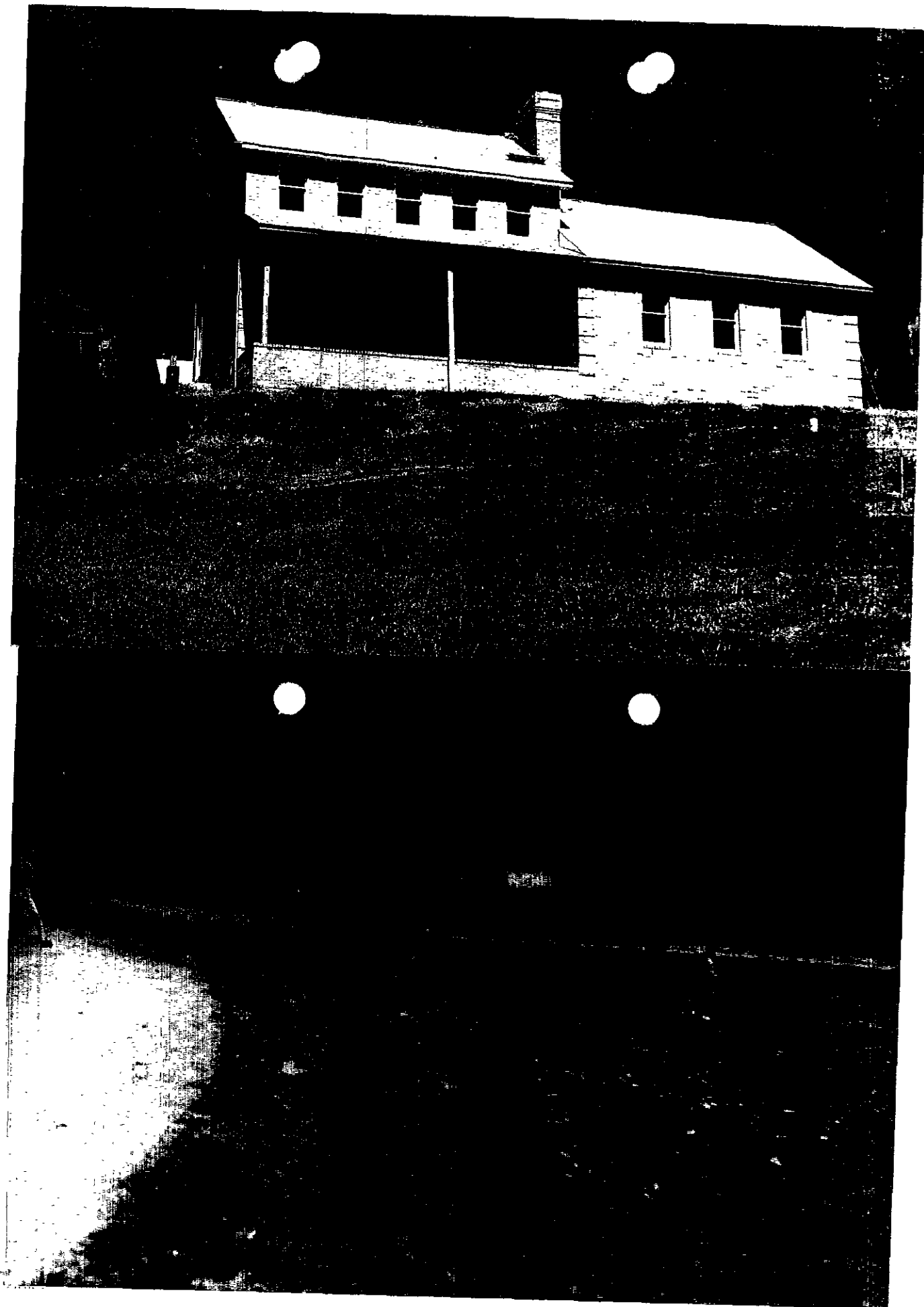
Note: Property owner stated that ~~they~~
are buying a larger trailer than the
30 footer they have now.

ORIGINAL SIGNED BY
LEONARD J. WASHFORD





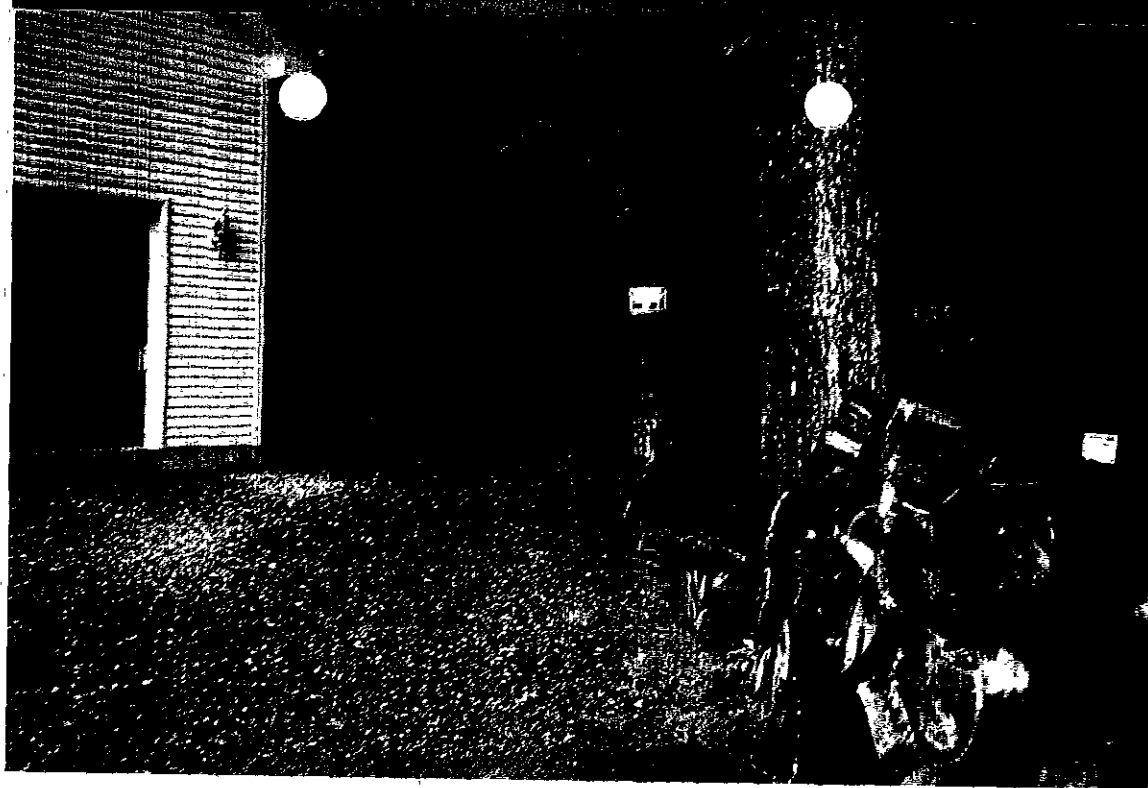
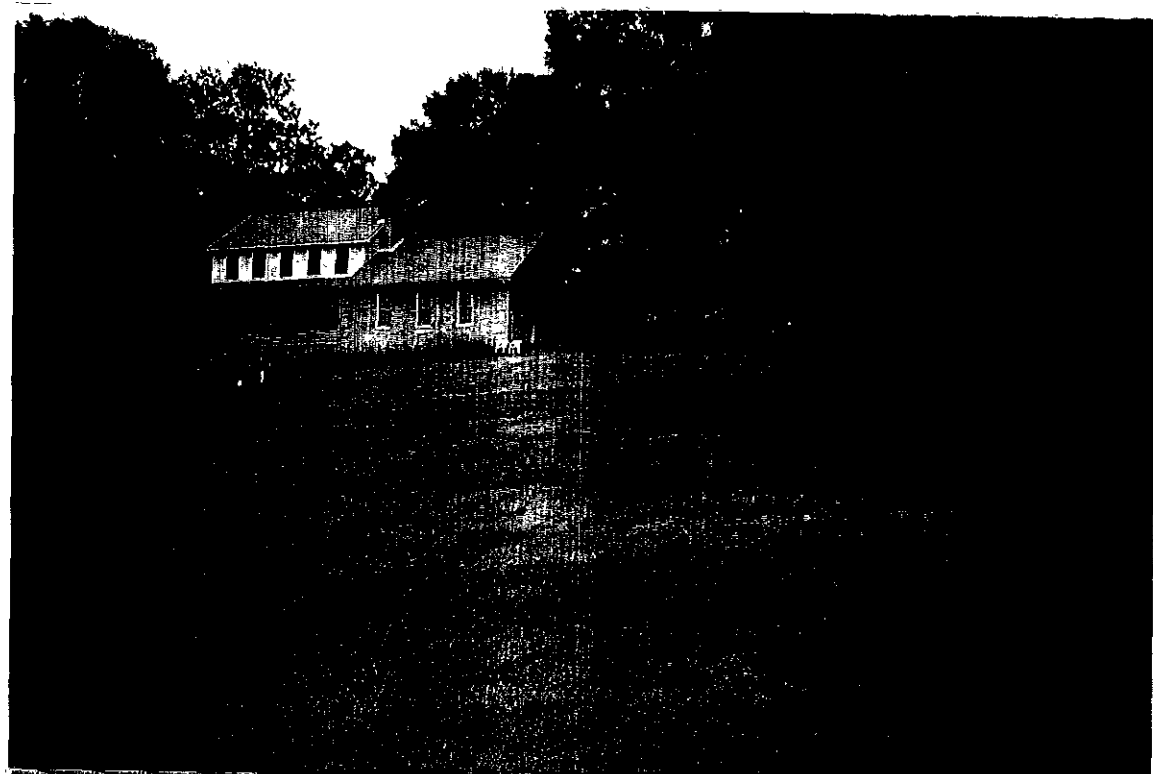
10-19-2001

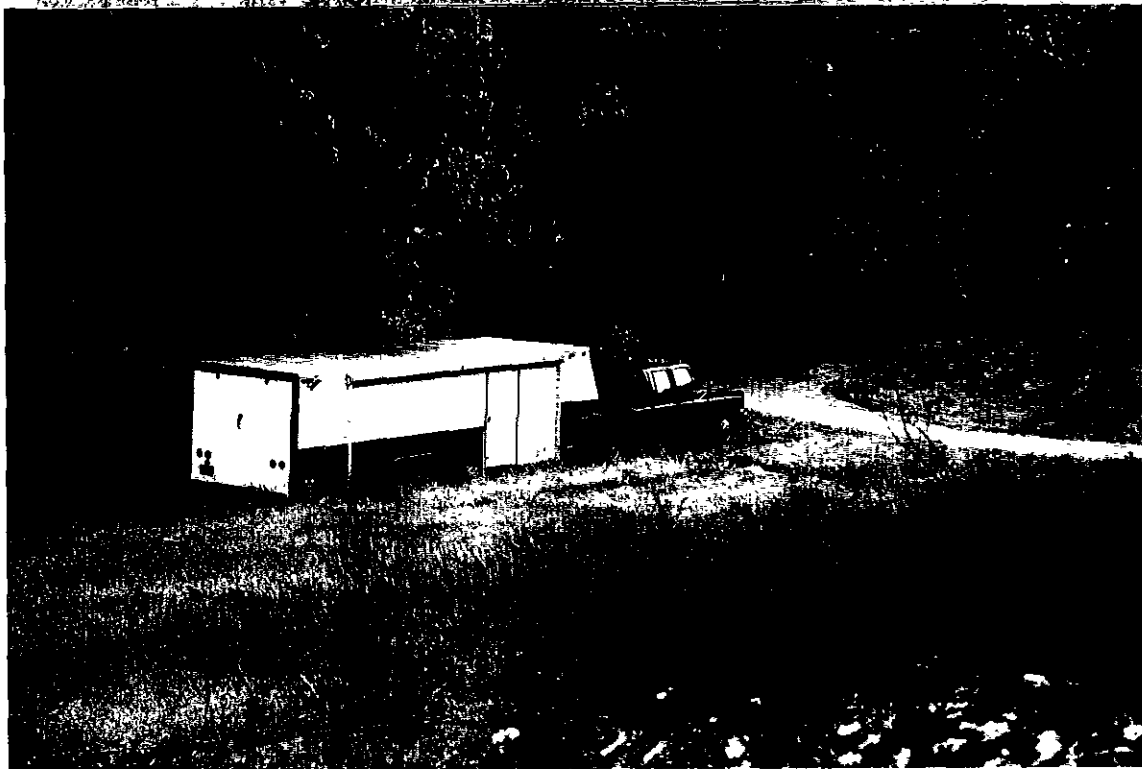
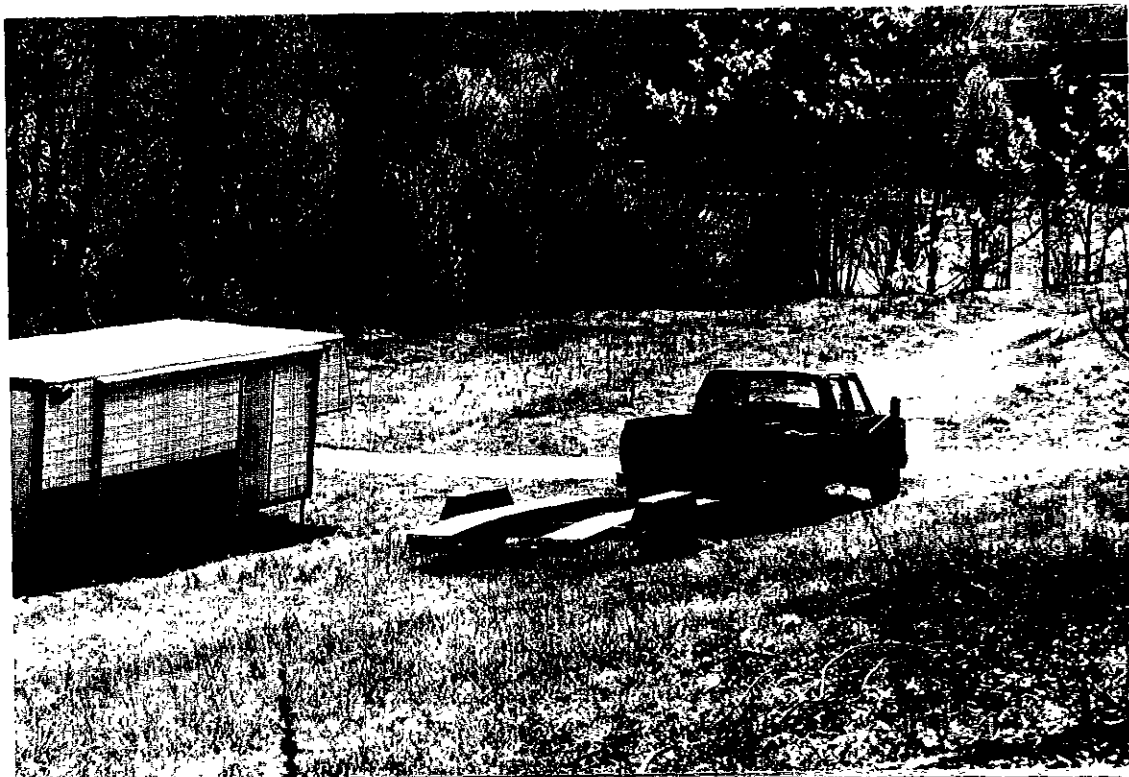


photograph
01-460-A



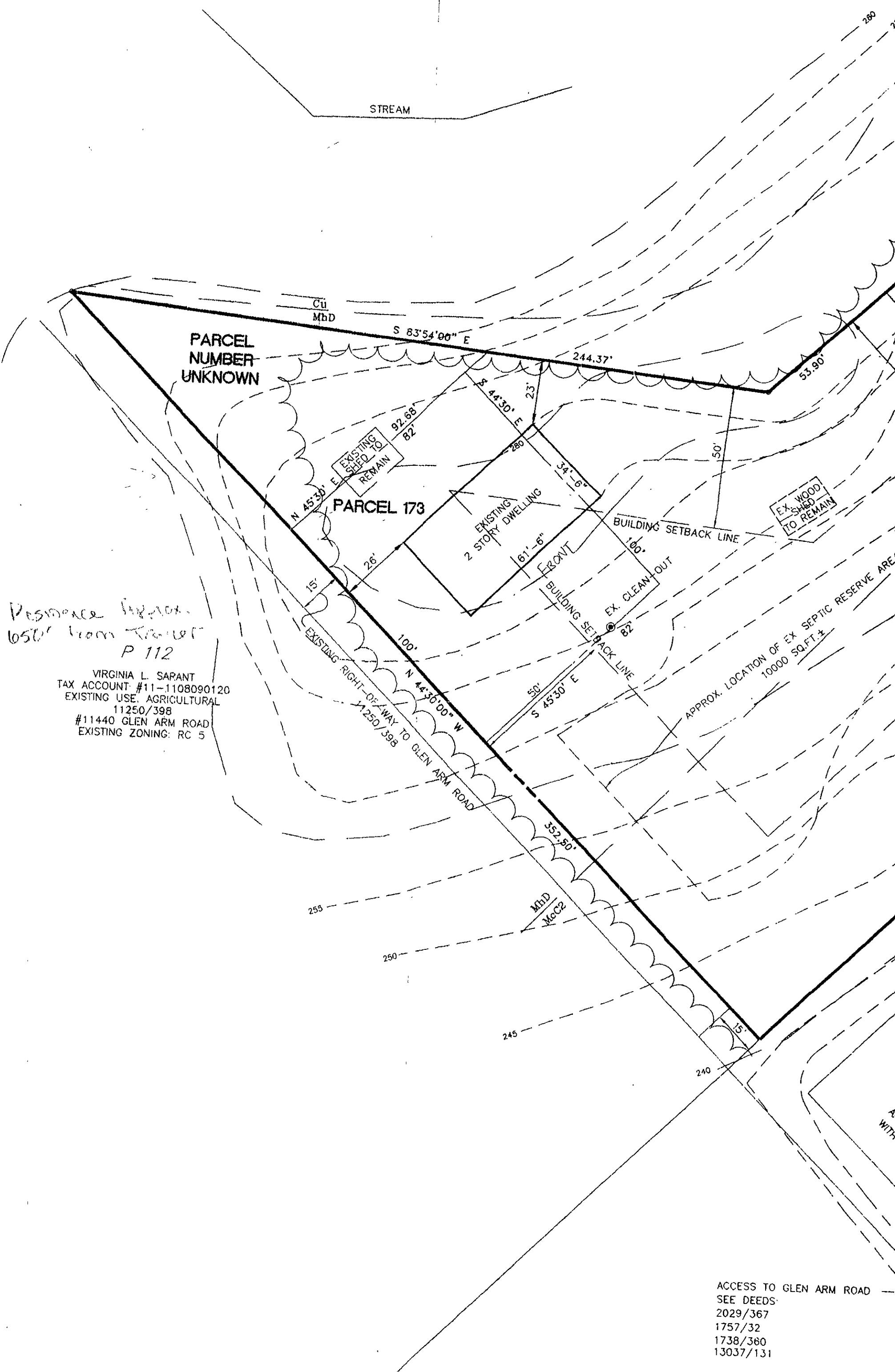


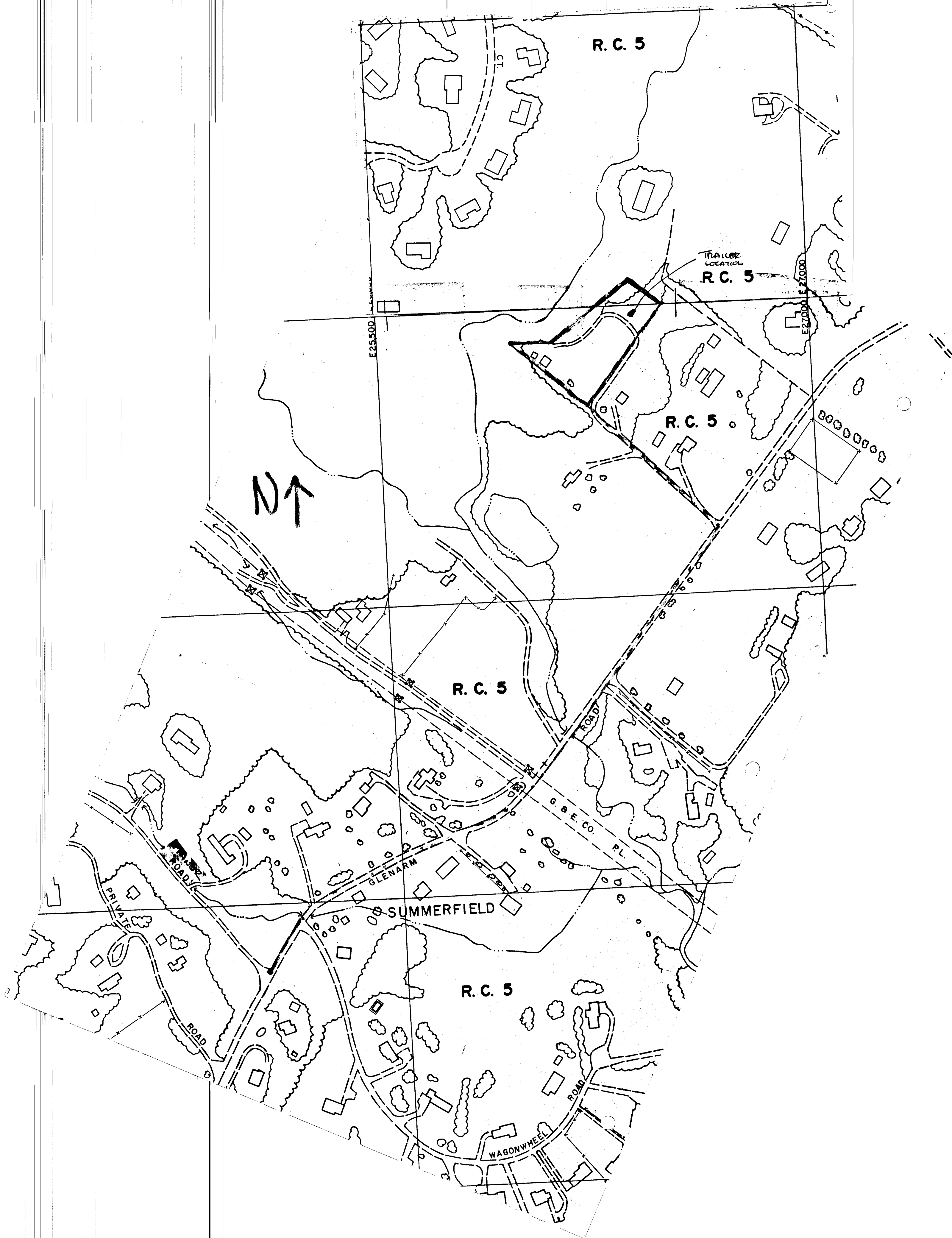


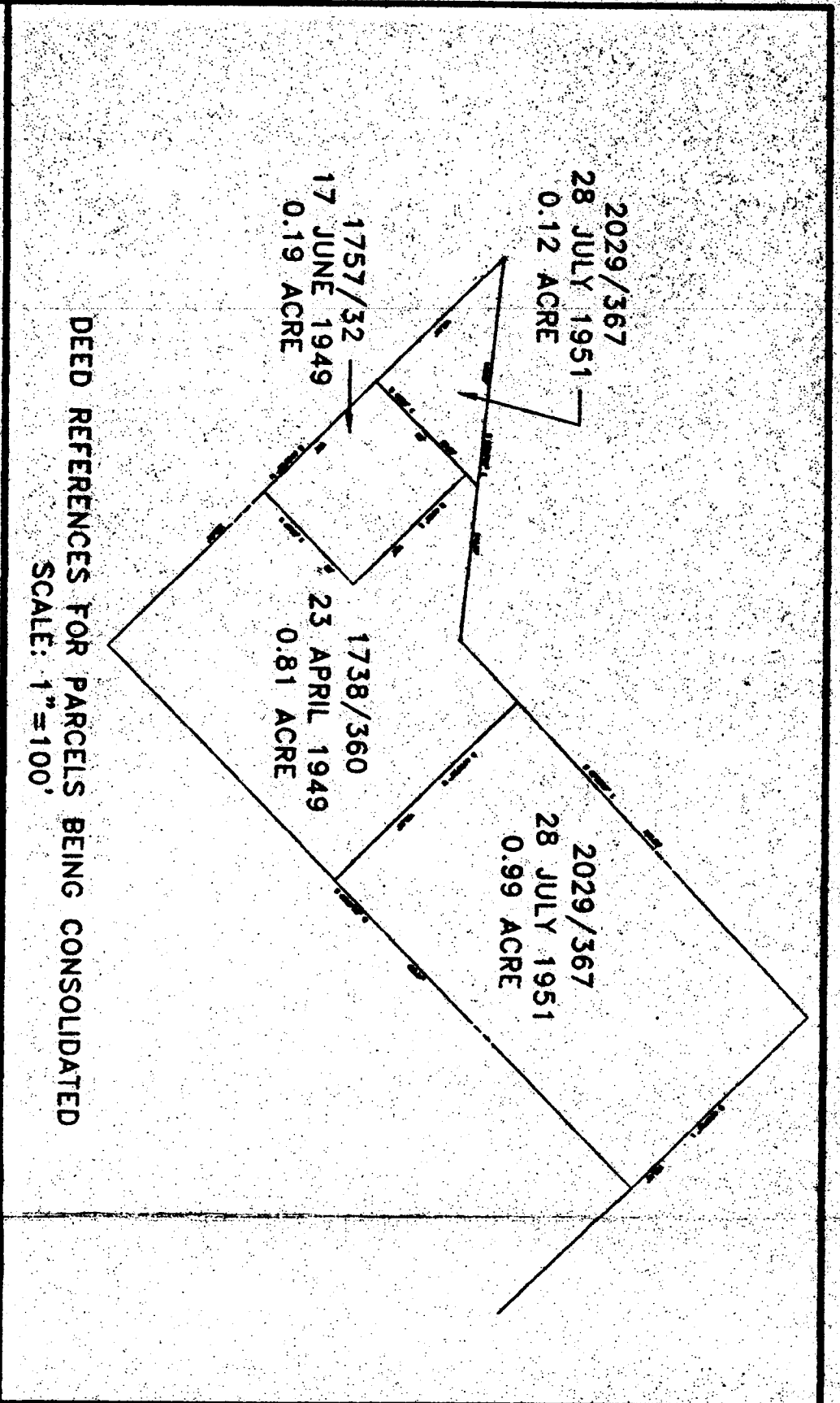












DEED REFERENCES FOR PARCELS BEING CONSOLIDATED
SCALE: 1"=100'

Residence Approx. 420'
from Trailer

P 32

DUDLEY C. & ELIZABETH K. BROWNELL
TAX ACCOUNT NO. 11-108690120
EXISTING USE: RESIDENTIAL
\$11,440 GLEN ARM ROAD
EXISTING ZONING: RC 5

Residence Approx.
420' from Trailer

P 112

WILSON L. SHARP
TAX ACCOUNT NO. 11-108690120
EXISTING USE: AGRICULTURAL
\$11,440 GLEN ARM ROAD
EXISTING ZONING: RC 5

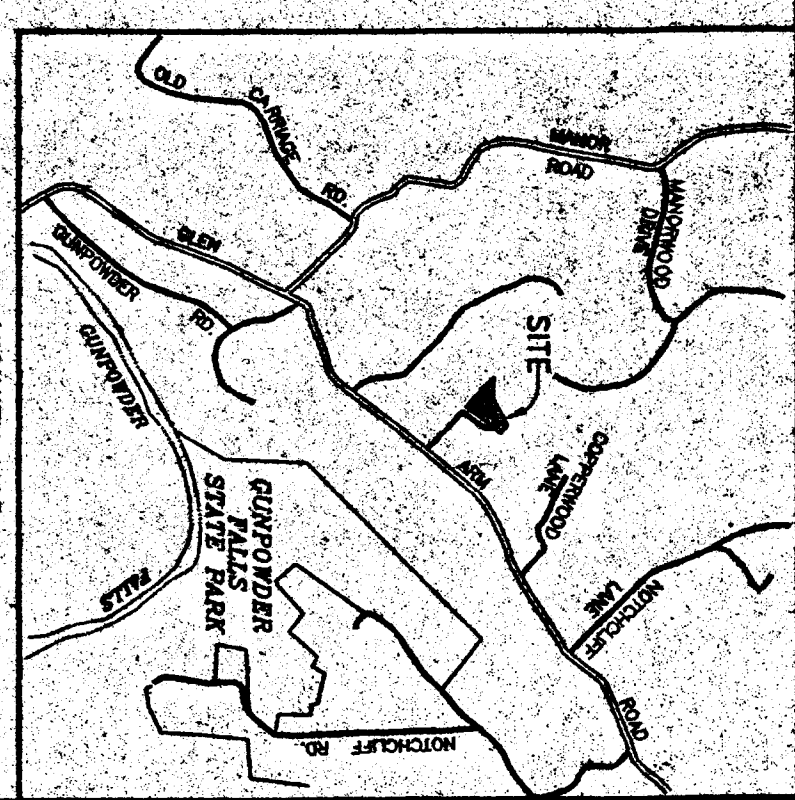
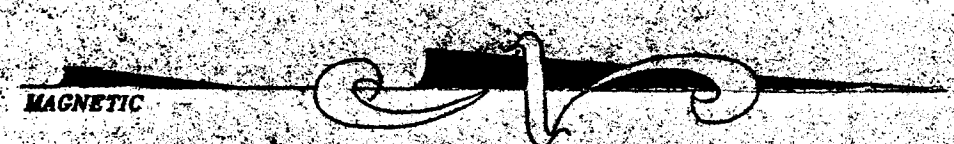
ACCESS TO GLEN ARM ROAD
SEE DEEDS
2029/367
1751/32
1738/360
1303/7131

Residence Approx. 300'
from Trailer P 174
GARF. MARTIN & SALLY LOS HEDERMAN
TAX ACCOUNT NO. 11-108690120
EXISTING USE: RESIDENTIAL
\$11,440 GLEN ARM ROAD
EXISTING ZONING: RC 5

ENGINEER'S CERTIFICATION
I hereby certify that I have reviewed with due diligence the County Agency's
Minor Subdivision Comments dated 8/4/99 and have prepared with due diligence this
Minor Subdivision Plan pursuant to the Minor Subdivision Comments.

RECEIVED
COUNTY OF BALTIMORE
DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING
JUL 15 1999
11444 GLEN ARM ROAD
CENSUS TRACT 4112.02

Various
ZONING ORDER
CASE NO. 99-183-A



NOTES:

1. SITE AREA: 2.11 AC.
2. ZONING: RC 5
3. 1'-500' ZONING MAP 13-E
4. TOPOGRAPHY FROM BALTIMORE COUNTY 1"-200' SCALE MAP 13-E
5. B.C. SOIL SURVEY MAP-30
6. OWNER: DANIEL L. DITTMICH & NEIGHA HEED
11444 GLEN ARM ROAD
CEN. TRACT 4112.02
7. TAX MAP NO. 21-00-22516
8. TAX MAP NO. 21-00-22516
9. DEED REFERENCE: 1303/131
10. THE SUBJECT PROPERTY DOES NOT FALL WITHIN THE LIMITS OF A FLOOD HAZARD AREA AS DESIGNATED BY THE NATIONAL FLOOD INSURANCE PROGRAM.
11. MATERIALS: 3/4" REINFORCED: 8
12. THIS PROPERTY IS TO BE SERVED BY EXISTING WELL AND SEWER.
13. LOTS ALIGNED: 2.11 x 0.667 = 1.41 LOTS+1 LOT
14. PARKING REQUIRED: 2
15. OPEN SPACE IS NOT REQUIRED IN RC 5.
16. TRASH COLLECTION BY BALTIMORE COUNTY AT THE INTERSECTION OF THE PRIVATE DRIVEWAY AND GLEN ARM ROAD.
17. THIS PROPERTY IS NOT IN A CRITICAL AREA.
18. UNLESS THE SIGNATURES SHOWN, CASE NO. 99-183-A, THESE ARE NOT SIGNATURES, REGULARS, REGISTERED SITES OR AGENTS OF PUBLIC STATE EMPLOYEES ON THIS SITE.
19. THERE ARE NO HAZARDOUS MATERIALS ON THIS SITE.
20. THERE ARE NO OTHER NOTES.
21. LOT # 10: THIS PER DAY.
22. ON FEB. 6, 1999, THE DNO APPROVED A LIMITED EXCAVATION UNDER SECTION 25-1710(1) FOR THIS PARCELS INTO ONE LOT UNDER MINOR SUBDIVISION REGULATIONS.
23. WELLS WITHIN 200' OF THE PROPERTY ARE SHOWN TO THE BEST OF OUR KNOWLEDGE. NO SEPTIC SYSTEMS ARE WITHIN 100' OF THE PROPERTY TO THE BEST OF OUR KNOWLEDGE.
24. THERE IS NO DISTURBANCE ON THIS SITE. THE HOUSE IS EXISTING.

Plan to accompany
Petition for Variance
11444 GLEN ARM ROAD
11th ELECTION DISTRICT
6th COUNCILLMANIC DISTRICT
CENSUS TRACT: 4112.02

Colbert Matz Rosenfelt, Inc.

Engineers & Surveyors & Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.	DATE	REVISIONS	BY	SHEET	OF
1				1	1

2029/367
28 JULY 1951
0.12 ACRE

2029/367
28 JULY 1951
0.99 ACRE

1757/32
17 JUNE 1949
0.19 ACRE

1738/360
23 APRIL 1949
0.81 ACRE

DEED REFERENCES FOR PARCELS BEING CONSOLIDATED
SCALE: 1"=100'

Residence Approx 450'
from Trailer
P 32

DUDLEY C. & ELIZABETH K. BROWNELL
TAX ACCOUNT #11-110006690
EXISTING USE: RESIDENTIAL
9708/581
#11520 GLEN ARM ROAD
EXISTING ZONING: RC 5

Residence Approx 400'
from Trailer
P 303

MARVIN L. & VICTORIA J. JOHNSON
TAX ACCOUNT #11-110304830
EXISTING USE: RESIDENTIAL
2107/276
#11810 GLEN ARM ROAD
EXISTING ZONING: RC 5

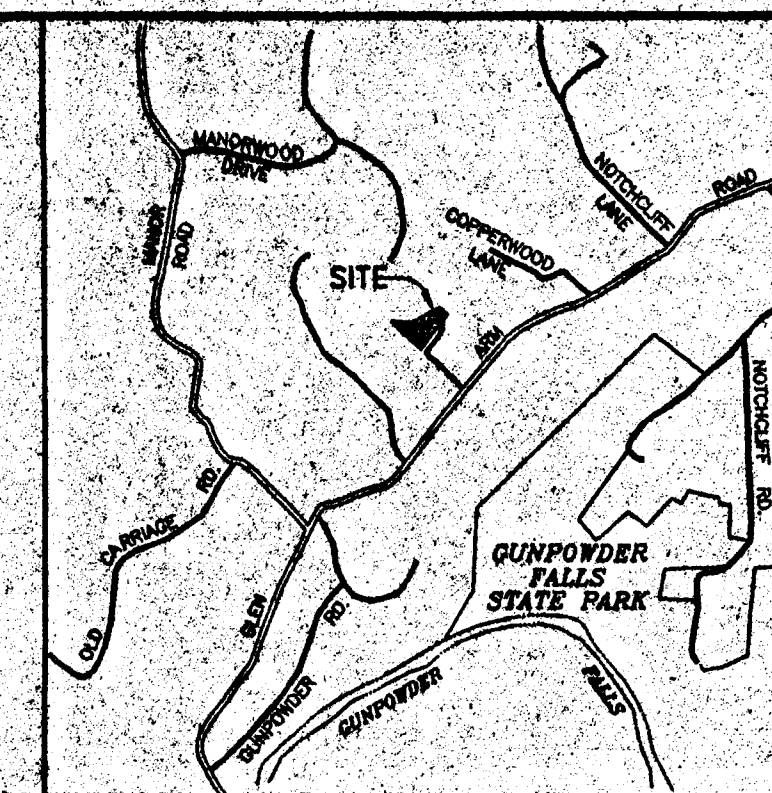
Residence Approx 450'
from Trailer P 112

VIRGINIA L. SARANT
TAX ACCOUNT #11-1108090120
EXISTING USE: AGRICULTURAL
11250/388
#11440 GLEN ARM ROAD
EXISTING ZONING: RC 5

Residence Approx 300'
P 174 from Trailer

GARY MARTIN & SALLY LOIS HODDERMAN
TAX ACCOUNT #11-1114085700
EXISTING USE: RESIDENTIAL
7044/365
#11442 GLEN ARM ROAD
EXISTING ZONING: RC 5

ACCESS TO GLEN ARM ROAD
SEE DEEDS:
2029/367
1757/32
1738/360
13037/131



VICINITY MAP
SCALE 1" = 300'

NOTES:

1. SITE AREA: 2.11 AC±
2. ZONING: RC 5
3. 1"=200' ZONING MAP: 13-E
4. TOPOGRAPHY FROM BALTIMORE COUNTY 1"=200' SCALE MAP: 13-E
5. B.C. SOIL SURVEY MAP: 30
6. OWNER: DANIEL L. DIETRICH & MONNA HEERD
11444 GLEN ARM ROAD
GLEN ARM, MARYLAND 21057
7. TAX ACCOUNT No.: 22-00-023516
TAX MAP #2 PARCEL #32
8. DEED REFERENCE: 13037/131
9. THE SUBJECT PROPERTY DOES NOT FALL WITHIN THE LIMITS OF A FLOOD HAZARD AREA AS DELINEATED ON THE MAPS OF THE NATIONAL FLOOD INSURANCE PROGRAM.
10. WATERSHED: 4 SUBWATERSHED: R
11. CENSUS TRACT: 4112.02
12. THIS PROPERTY IS TO BE SERVED BY EXISTING WELL AND SEPTIC.
13. LOTS ALLOWED = 2.11 x 0.667 = 1.41 LOTS = 1 LOT
LOTS PROPOSED = 1 LOT
14. PARKING REQUIRED: 2
PARKING PROVIDED: 2
15. OPEN SPACE IS NOT REQUIRED IN RC 5.
16. TRASH COLLECTION BY BALTIMORE COUNTY AT THE INTERSECTION OF THE PRIVATE DRIVEWAY AND GLEN ARM ROAD.
17. THIS PROPERTY IS NOT IN A CRITICAL AREA.
18. VARIANCE FOR SETBACKS GRANTED, CASE No. 99-183-A.
19. THERE ARE NO STRUCTURE, BUILDINGS, HISTORIC SITES OR AREAS OF CRITICAL STATE CONCERN ON THIS SITE.
20. THERE ARE NO HAZARDOUS MATERIALS ON THIS SITE, TO THE BEST OF OUR KNOWLEDGE.
21. ADT: 10 TRIPS PER DAY.
22. ON FEB. 6, 1999, THE DCO APPROVED A LIMITED EXEMPTION UNDER SECTION 26-171(G)(3) FOR THIS DEVELOPMENT. (DRC No. 10196) TO CONSOLIDATE 4 PARCELS INTO ONE LOT UNDER MINOR SUBDIVISION REGULATIONS.
23. WELLS WITHIN 100' OF THE PROPERTY ARE SHOWN TO THE BEST OF OUR KNOWLEDGE. NO SEPTIC SYSTEMS ARE WITHIN 100' OF THE PROPERTY TO THE BEST OF OUR KNOWLEDGE.
24. THERE IS NO DISTURBANCE ON THIS SITE. THE HOUSE IS EXISTING.

PREVIOUS
ZONING ORDER
CASE No. 99-183-A

WHEREFORE, IT IS ORDERED by the Planning Commission for Baltimore County that the Petition for Variance be granted and the Petition for Subdivision be approved. The Petition for Subdivision is approved on the condition that the Petitioner shall submit to the Planning Commission a final plat of the subdivision showing the proposed lot lines and the location of the proposed structures. The Petition for Variance is granted on the condition that the Petitioner shall submit to the Planning Commission a final plat of the subdivision showing the proposed lot lines and the location of the proposed structures. The Petition for Subdivision is approved on the condition that the Petitioner shall submit to the Planning Commission a final plat of the subdivision showing the proposed lot lines and the location of the proposed structures.

TYPE CLASS	HOMESITES W/BASE	HOMESITES W/O BASE	STREETS/PARKING
MOD. SLOPE	MOD. SLOPE	MOD. SLOPE	SEV. SLOPE
SEV. SLOPE	SEV. SLOPE	SEV. SLOPE	SEV. SLOPE

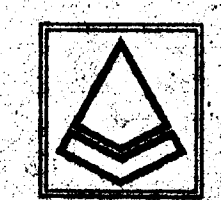
RECEIVED
NOV 16 1998
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

Plan to Accompany
Petition for Variance
11444 GLEN ARM ROAD

11th ELECTION DISTRICT
6th COUNCILMANIC DISTRICT
CENSUS TRACT: 4112.02

Colbert Matz Rosenfelt, Inc.

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ENGINEER'S CERTIFICATION

I hereby certify that I have reviewed with due diligence the County Agency's Minor Subdivision Comments dated 8/4/99 and have prepared with due diligence this Minor Subdivision Plan pursuant to the Minor Subdivision Comments.

NO.	DATE	REVISIONS	BY	SHEET	OF
1	9-27-99			1	1

21-460-A