

IN RE: **PETITION FOR SPECIAL HEARING** \*

W/S Glen Arm Road, 800' SW of  
Copperwood Lane and Glen Arm Road \*  
**(11444 Glen Arm Road)**  
11<sup>th</sup> Election District \*  
3<sup>rd</sup> Council District \*

Daniel L. Dietrich, et ux  
Petitioners \*

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

**Case No. 2008-0468-SPH**

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Daniel L. Dietrich and his wife, Vienna C. Dietrich. The Petitioners request a special hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend the site plan approved in Case No. 99-183-A and to approve (1) the demolition of an existing shed in the rear yard and the construction of an addition to the existing residence in place of the shed and (2) to permit the demolition of an existing shed and replacement in a previously approved location with a larger accessory structure in the front yard (replace a 12' x 20' shed with a 28' x 32' garage). The subject property and requested relief are more particularly described on the redlined site plan and architectural drawings submitted which were accepted into evidence and marked as Petitioners' Exhibits 1, 4 and 5 respectively.

Appearing at the requisite public hearing in support of the request were Daniel and Vienna Dietrich, property owners, Richard E. Matz, professional engineer, who prepared the site plan for this property, and Deborah C. Dopkin, Esquire, attorney for Petitioners. Appearing as Protestants in this matter were Dudley and Elizabeth Brownell, adjacent property owners, represented by C. William Clark, Esquire.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the northwest side of a private driveway, which leads from Glen Arm

ORDER RECEIVED FOR FILING  
Date 7-29-08  
By [Signature]

Road not far from Manor Road and 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 dwelling located at the top of a hill at the end of the driveway, three accessory structures, and a well-house. An appreciation of the property's past history and use is relevant and is briefly outlined. The dwelling on the property was built in 1999, pursuant to the relief granted on January 21, 1999 in prior zoning Case No. 99-183-A. In that case, the then Zoning Commissioner, Lawrence E. Schmidt, granted approval to allow an existing wood shed (12' x 20') to remain in the front yard of the property, and variance relief to allow lot line setbacks of 20 feet (northeast side) and 24 feet (northwest side) in lieu of the required 50 feet for the 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 (4) old lots of record, which had been accumulated by 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. A finding by this Commission that these factors attributed to the property's uniqueness was subsequently affirmed by the County Board of Appeals on June 21, 2000 and ultimately by the Circuit Court of Baltimore County on February 20, 2001 in Case No. 03-C-00-7365. The Petitioners next sought variance relief in Case No. 01-460-A to permit a recreational trailer (for hauling antique cars) to be parked or located in the front yard in lieu of the required rear or side yard. Commissioner Schmidt, following a visit to the site, denied the relief requested on August 2, 2001 stating that while the lot is large and wooded, the trailer was visible from adjacent properties and strict adherence to the zoning regulations should be observed.

The Petitioners, along with two (2) teenaged children, having used the property as their principal residence for the past ten (10) years now come with a new approach to resolve

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BY [signature]

their growing needs and also to address automobile parking issues. They first propose the razing of an existing 330 square foot (22' x 15') shed located behind the home and plan to replace it with a 1,856 square foot three-story brick attached addition (22'-5" x 32'-5" x 32'-5"). As illustrated on the building elevations prepared by architect David M. Cross (Petitioners' Exhibit 4), an excavated foundation area will serve as a two-car garage. Over this, the second floor level will serve as a family room and the third floor, featuring a gas fireplace and cathedral ceiling will become the Petitioners new master bath and bedroom. Similarly, David Cross prepared building elevations for a proposed front yard detached storage garage (29'-5" x 32'-5") accepted as Petitioners' Exhibit 5. This brick accessory structure will match the existing home and be used for the storage of lawn furniture, maintenance equipment and automobile(s). It would replace the existing 12' x 20' shed that is deteriorating and in need of replacement. Testimony was taken from Mr. and Mrs. Dietrich regarding the use of the existing home, sheds, maintenance and landscaping of the property as well as the planned new structures. See collectively Petitioners (photographic) Exhibits 2 and 7.

Turning first to the rear yard addition described above, Ms. Dopkin called Richard Matz of Colbert, Matz, Rosenfelt, Inc. who has been associated with this site since 1998 and accepted as an expert in civil engineering. He described the property as having a steep topography of more than 20% grade on average. He testified that the only flat portion suitable for the desired improvements was where the existing house and sheds are built. He offered an aerial photograph which showed the Dietrich's home and the neighbors' houses nearest the site. Mr. Matz opined that the closest home was that of the Heidermans, directly below the subject property and about 270 feet away. Using photographs (Petitioners' Exhibit 2), he described the site constraints, location of existing wells, septic system and septic reserve areas and front and rear yards with slopes of greater than 20%.

Mr. Matz stated that the existing shed in the rear yard behind the house is approximately 60 years old and is very dilapidated. As noted above, the proposal is to raze the shed that is located 24 feet from the rear property line and to construct an addition to the existing

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1-29-00  
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dwelling with a footprint of 29' x 32' x 31' (3 stories) high. He testified that the new addition with its matching brick exterior, window treatments and dormers would be consistent with the other homes in the neighborhood in size and style. Moreover, he believes that building at the requested location fulfills the spirit and intent of the B.C.Z.R. and will not infringe on the neighboring houses. The variance granted in Case No. 99-183-A permitted the house to be 24 feet and 20 feet respectively from the property lines. The new addition will be 24 feet from the West property line and 20 feet from the east property line as originally contemplated in the original variance granted. Thus, the new addition conforms to the relief granted. As demonstrated on Petitioners' Exhibit 6, there is a large wooded tract of land behind Petitioners home which includes a stream. The closest home is approximately 400 feet behind the wooded tract. It is apparent that the proposed use at this location will not be injurious to the health, safety or general welfare of the community. It is clear from the record and reading of the previous cases that the proposed addition meets the requirements of Section 502.1 of the B.C.Z.R. as testified to by Mr. Matz, and I concur with his conclusion that this, the Petitioners first proposal, falls within the spirit and intent of the variance previously granted. Certainly the rear yard addition is a reasonable economic use of the property. See generally *Belvoir Farms v. North* 355 Md. 259 (1999) and *White v. North*, 356 Md. 31, 48 (1999).

As to the second proposal to replace an existing front yard shed with a garage three times its size albeit in the same approximate location mandates close scrutiny. The impact of building in this area will be greater than the same proposal in the rear. Testifying in opposition was Dudley Brownell who stated his property is immediately to the north of the subject property and his residence is about 600 feet east of the proposed construction and at a higher elevation than that of the Petitioners. Protestants Exhibits 6A – 6D are old photographs taken by the Brownells to demonstrate that they can see the area planned for the rear yard addition as well as the front yard shed. Mr. Brownell is concerned that the planned landscaping will be inadequate to screen or buffer the view of these improvements, the lighting that will emanate from these structures, as well as the noise from automobile service work that is likely to take place in the

BY \_\_\_\_\_  
Date 7-28-08  
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new garage. He questions the need of having six (6) garages on the premises, which will only serve to exacerbate the number of personal and collectible automobiles that are brought to and kept on the property. Messrs. Dietrich and Matz counter these concerns by indicating their acceptance to appropriate restrictions and conditions upon approval and argue that the larger shed will be in the same approximate location and the structure will be more attractive as it will be constructed of wood and brick veneer which will match the house. The existing shed is 25 years old and is in very poor condition. Additionally, because the property is a relatively large property, a larger structure is needed to house all of the tools and equipment used to maintain the property. They state that the unique conditions of the property warrant the new structure's location in the front yard. Current structure locations create a large front yard and a small rear yard. At the planned location the new garage would be 170 feet from the closest neighboring home. Weighing all the testimony and evidence on this issue, I am persuaded to agree with Mr. Brownell that granting a significant increase of a front yard accessory structure would adversely impact the neighborhood.<sup>1</sup>

The history of this property is clear. The Petitioners took it upon themselves to purchase the property, proceeded through various administrative proceedings in order to develop the site with a home and have been able to utilize it as their residence. Any Petitioner who seeks relief from the applicable ordinances must exercise proper diligence in ascertaining the zoning requirements to avoid a resulting hardship. If such diligence (in recognizing that accessory buildings are to be located only in the rear yard) is not exercised, the hardship must be regarded as self-created and zoning relief can be properly refused. Unfortunately for these Petitioners, I find the problem here is a personal one and is not a problem inherent in the land itself or in the application of the B.C.Z.R. to the land.

<sup>1</sup> This finding is in keeping with the conclusions reached by Mr. Schmidt in Case No. 01-460-A involving a front yard variance from B.C.Z.R. Section 415A.1.A where at Page 4 he states, "I believe that strict adherence to the zoning regulations should be mandated".

By \_\_\_\_\_  
Date 7-29-08  
8  
CITY OF BIRMINGHAM

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 granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29<sup>th</sup> day of July, 2008 that the Petition for Special Hearing seeking relief from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the demolition of an existing shed in the rear yard and the construction of an addition to the existing residence in place of the shed, in accordance with Petitioners' Exhibits 1 and 4, be and is hereby GRANTED; and

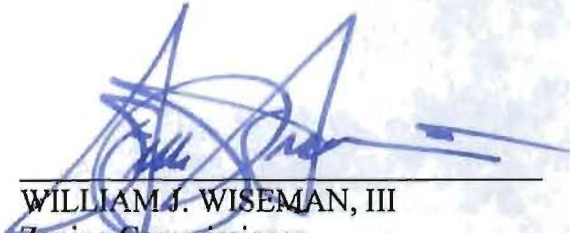
IT IS FURTHER ORDERED, that the Petition for Special Hearing to permit the demolition of an existing shed and replacement in a previously approved location with a larger garage structure in the front yard (replace a 12' x 20' shed with a 28' x 32' structure) be and is hereby DENIED; and

IT IS FURTHER ORDERED, that the Petition for Special Hearing to authorize an amendment to the site plan approved in Case No. 99-183-A, in accordance with the relief conferred above, be and is hereby GRANTED, subject to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appeal period from the date of this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WJW:dlw

  
\_\_\_\_\_  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 7-29-08  
By dlw



**BALTIMORE COUNTY**

M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

July 29, 2008

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

Deborah Dopkin, Esquire  
Law Offices of Deborah Dopkin, P.A.  
409 Washington Avenue  
Towson, MD 21204

**RE: PETITION FOR SPECIAL HEARING**

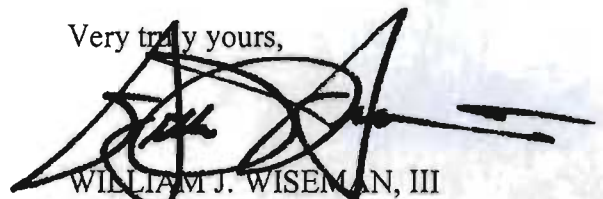
W/S Glen Arm Road, 800' SW of Copperwood Lane and Glen Arm Road  
**(11444 Glen Arm Road)**  
11<sup>th</sup> Election District - 3<sup>rd</sup> Council District  
Daniel L. Dietrich, et ux – Petitioners  
**Case No. 2008-0468-SPH**

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been approved in part and denied in part, 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,



WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:dlw  
Enclosure

- c: Daniel L. and Vienna C. Dietrich, 11444 Glen Arm Road, Glen Arm, MD 21057  
Richard E. Matz, PE, Colbert, Matz & Rosenfelt, 2835 Smith Avenue, Suite G,  
Baltimore, MD 21209  
C. William Clark, Esquire, Nolan, Plumhoff & Williams, 502 Washington Avenue,  
Suite 700, Towson, MD 21204  
Dudley and Elizabeth Brownell, 11520 Glen Arm Road, Glen Arm, MD 21057  
People's Counsel; File





# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at: 11444 Glen Arm Road  
which is presently zoned R.C. 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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

See Attached

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

I, or we, agree to pay expenses of above Special Hearing, 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State Zip Code

### Attorney For Petitioner:

Deborah Dopkin

Name - Type or Print

Signature

Law Offices of Deborah Dopkin, P.A.

Company

409 Washington Avenue, Suite 1000

Address

Telephone No.

Towson

MD 21204

City

State Zip Code

Case No. 2008-0468-SPH

### Legal Owner(s):

Daniel L Dietrich

Name - Type or Print

Signature

Vienna C Dietrich

Name - Type or Print

Signature

11444 Glen Arm Road

Address

410-808-4973

Telephone No.

Glen Arm

City

MD 21057

State Zip Code

### Representative to be Contacted:

Richard E. Matz

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

Address

410-653-3838

Telephone No.

Baltimore

City

MD 21209

State Zip Code

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

4/7/08

ORDER RECEIVED FOR FILING

Date

11-29-08

By

123



PETITION FOR SPECIAL HEARING

11444 Glen Arm Road

Tax Account No. 22-00-023516

To amend the site plan approved in Case No. 99-183-A to approve

1. The demolition of an existing shed in the rear yard and the construction of an addition to the existing residence in place of the shed;

And

2. The demolition of an existing shed and replacement in a previously approved location with a larger shed in the front yard (replace a 12 foot by 20 foot shed with a 28 foot by 32 foot shed).

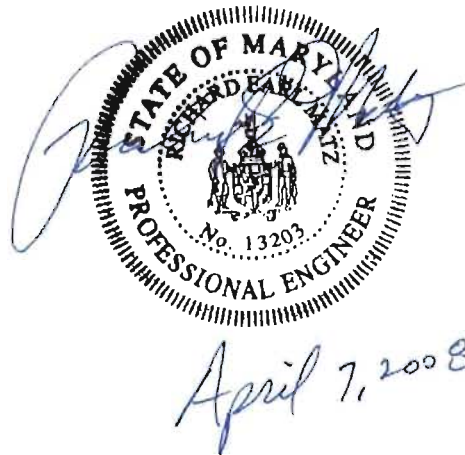


## ZONING DESCRIPTION 11444 GLEN ARM ROAD

Beginning at a point on the east side of an unnamed right-of-way to Glen Arm Road, 15 feet wide, 625± feet north of the centerline of Glen Arm Road which is of varying width. 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., thence  
S45°30'00"W 480.00 ft. to the place of beginning

As recorded in Deed Liber 17651, Folio 37, and containing 2.11 acres. Also known as 11444 Glen Arm Road and located in the 11<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District.



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

No. **2136**

Date: **4/8/08**

**PAID RECEIPT**

BUSINESS ACCT# TIME DEM  
 4/08/2008 4/07/2008 14:09:12 2

RES # 02 MAIL JEWEL JEE  
 >>RECEIPT # 572741 4/07/2008 OFLJ

| Fund | Agcy | Orgn | Sub<br>Orgn | Rev<br>Source | Sub<br>Rev | Rept<br>Catg | BS<br>Acct | Amount |
|------|------|------|-------------|---------------|------------|--------------|------------|--------|
| 001  | 006  |      |             | 6150          |            |              |            | 65.00  |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |
|      |      |      |             |               |            |              |            |        |

Dept: 5 '28 JTWING VERIFICATION  
 012136

Recpt Tot 445.00  
 445.00 CR 1.00 CR  
 Baltimore County, Maryland

Total: **65.00**

Rec

From:

For:

**SP41 2008-0468**

**DISTRIBUTION**

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**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: # 2008-0468-SPH

11444 Glen Arm Road

W/s of Glen Arm Road, 800 ft. +/- s/w of Intersection of Cooperwood Land and Glen Arm Road, 625 ft. +/- n/w of Glen Arm Road

11th Election District — 3rd Councilmanic District

Legal Owner(s): Daniel L. & Vienna C. Dietrich

**Special Hearing:** to amend the site plan approved in Case No. 99-183-A to approve the demolition of an existing shed in the rear yard and the construction of an addition to the existing residence in place of the shed; and the demolition of an existing shed and replacement in a previously approved location with a larger shed in the front yard (replace a 12 foot by 20 foot shed with a 28 foot by 32 foot shed).

**Hearing:** Wednesday, June 18, 2008 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

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 6/603 June 3

174894

## CERTIFICATE OF PUBLICATION

6/5/, 2008

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 6/3/, 2008.

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

*S. Wilkinson*

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

**ATTENTION:** KRISTEN MATTHEWS

**DATE:** 06/06/08

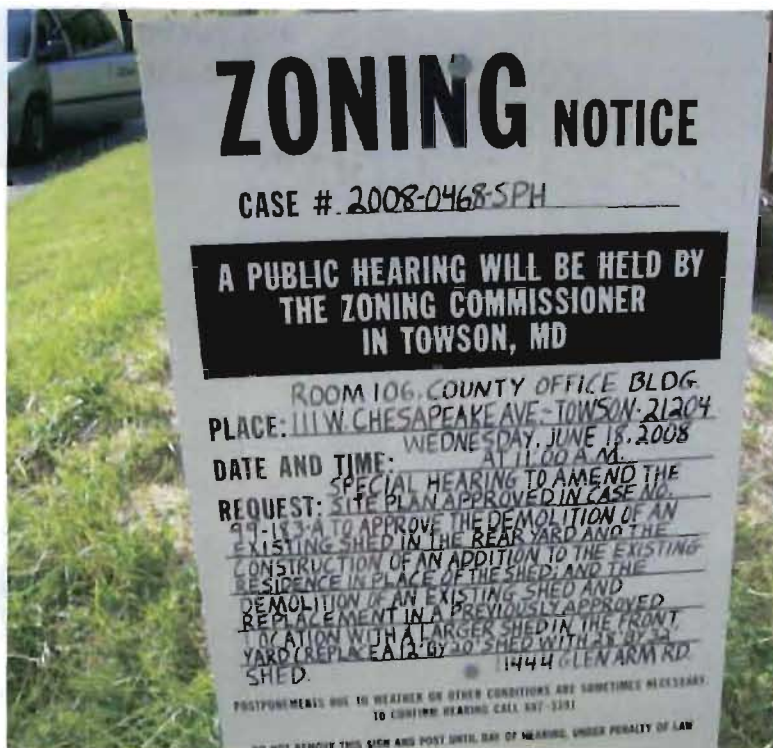
**Case Number:** 2008-0468-SPH

**Petitioner / Developer:** DEBORAH DOPKIN, ESQ.~DANIEL & VIENNA  
DIETRICH~COLBERT, MATZ & ROSENFELT, INC.

**Date of Hearing (Closing):** JUNE 18, 2008

This is to certify under the penalties of perjury that the necessary sign(s)  
required by law were posted conspicuously on the property located at:  
11444 GLEN ARM ROAD

**The sign(s) were posted on:** 06/02/08



Linda O'Keefe  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

523 Penny Lane  
(Street Address of Sign Poster)

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

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

**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: SPH 2008-0468.  
Petitioner: DAN E VIENNA DIETRICH  
Address or Location: 11444 GLEN ARM ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAN DIETRICH  
Address: 11444 GLEN ARM ROAD  
GLEN ARM, MD 21057.  
Telephone Number: 410-808-4972

Revised 2/20/98 - SCJ





## BALTIMORE COUNTY

M A R Y L A N D

May 6, 2008

JAMES T. SMITH, JR.  
County Executive

### NEW NOTICE OF ZONING HEARING

TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*

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: 2008-0468-SPH**

11444 Glen Arm Road

W/s of Glen Arm Road, 800 ft. +/- s/w of intersection of Cooperwood Land and Glen Arm Road,  
625 ft. +/- n/w of Glen Arm Road

11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Daniel L. & Vienna C. Dietrich

Special Hearing to amend the site plan approved in Case No. 99-183-A to approve the demolition of an existing shed in the rear yard and the construction of an addition to the existing residence in place of the shed; and the demolition of an existing shed and replacement in a previously approved location with a larger shed in the front yard (replace a 12 foot by 20 foot shed with a 28 foot by 32 foot shed).

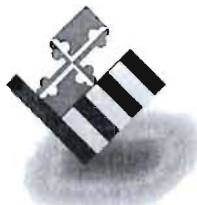
Hearing: Wednesday, June 18, 2008 at 11:00 a.m. in Room 106, County Office Building,  
111 West Chesapeake Avenue, Towson 21204

  
Timothy M. Kotroco  
Director

TK:klm

C: Deborah Dopkin, 409 Washington Avenue, Ste. 1000, Towson 21204  
Daniel & Vienna Dietrich, 11444 Glen Arm Road, Glen Arm 21057  
Richard Colbert, 2835 Smith Avenue, Ste. G., Baltimore 21209

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 3, 2008.**
- (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.



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.

*County Executive*

Deborah Dopkin  
Law Office of Deborah Dopkin, PA  
409 Washington Ave., Suite 100  
Towson, MD 21204

TIMOTHY M. KOTROCO, *Director*  
Department of Permits and Development Management  
June 11, 2008

Dear: Deborah Dopkin

RE: Case Number 2008-0468-SPH, Address: 11444 Glen Arm Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 7, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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.  
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel  
Daniel L. & Vienna C. Dietrich, 11444 Glen Arm Rd, Glen Arm, MD 21057  
Richard E. Matz, 2835 Smith Ave. Suite G, Baltimore, MD 21209

BW 6/18 7/22 10am  
**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



**RECEIVED**  
MAY 19 2008  
BY: .....

TO: Timothy M. Kotroco  
FROM: Dave Lykens, DEPRM - Development Coordination DWL  
DATE: May 15, 2008  
SUBJECT: Zoning Item # 08-468-SPH  
Address 11444 Glen Arm Road  
(Dietrich Property)

Zoning Advisory Committee Meeting of April 14, 2008

- \_\_\_\_\_ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- X   The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Prior to the approval of the building permit, an evaluation of the septic system may be required. – *S. Farinetti; Ground Water Management*



BW 4/18  
9/22 10AM

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Timothy Kotroco, Director  
Department of Permits and  
Development Management

**DATE:** May 2, 2008

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

RECEIVED  
MAY 07 2008

**SUBJECT:**

BY: \_\_\_\_\_

### INFORMATION:

**Item Number:** 08-468

**Petitioner:** Daniel and Vienna Dietrich

**Property Size:** 2.1 acres

**Zoning:** RC 5

**Requested Action:** Special Hearing

### Hearing Date:

The petitioner requests a special hearing to amend the site plan in Case no. 99-183-A to approve the demolition of an existing shed in the rear yard and the construction of an addition to the existing residence in place of the shed. The petitioner also requests in the special hearing the demolition of an existing shed and replacement in a previously approved location with a larger shed in the front yard (replace a 12 foot by 20 foot shed with a 28 foot by 32 foot shed).

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

**Prepared By:**

*Chris Mervay*

**Division Chief:**

AFK: CM

*John Fulk*

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Timothy M. Kotroco, Director  
Department of Permits &  
Development Management

**DATE:** April 16, 2008

**FROM:** Dennis A. Kennedy, <sup>DAK</sup>Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For April 21, 2008  
Item Nos. 08-450, 451, 452, 453, 454,  
456, 457, 458, 459, 460, 462, 463, 464,  
465, 466, 468, 469.

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:lrk

cc: File

ZAC- 04162008-NO COMMENTS



Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: APRIL 18, 2008

Ms. Kristen Matthews  
Baltimore County Office Of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 08-468 SPH  
11144 CHEN ARM ROAD  
DIETRICH PROPERTY  
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 08-468 SPH.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at ([m Bailey@sha.state.md.us](mailto:m Bailey@sha.state.md.us)).

Very truly yours,

A handwritten signature in cursive script that reads "Michael Bailey".

For<sup>^</sup> Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/MB

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Sweet Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • [www.marylandroads.com](http://www.marylandroads.com)

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
11444 Glen Arm Road; W/S Glen Arm Rd, \*  
800' SW Copperwood Lane & Glen Arm Rd \* ZONING COMMISSIONER  
11<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts \*  
Legal Owner(s): Daniel & Vienna Dietrich \* FOR  
Petitioner(s) \*  
BALTIMORE COUNTY  
\*  
08-468-SPH

\* \* \* \* \*

**ENTRY OF APPEARANCE**

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

RECEIVED

APR 24 2008

Per.....

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Jefferson Building, Room 204  
105 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 24<sup>th</sup> day of April, 2008, a copy of the foregoing Entry of Appearance was mailed to Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 & Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County





BALTIMORE COUNTY  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*

March 14, 2008

Colbert Matz Rosenfelt, Inc.  
2835 Smith Avenue Suite G  
Baltimore, Maryland 21209  
Att : Richard E. Matz, P.E.

Re: Zoning Verification Letter  
Spirit and Intent Letter  
Case #99-183-A  
11<sup>th</sup> Election District

Dear Mr. Matz,

Your spirit and intent letter sent to Timothy Kotroco, Director of Permits and Development Management has been referred to me for reply. Based upon the information provided therein, our research of the zoning records, and the controversial nature of this site following applies:

1. It has been determined that the proposed changes outlined in your letter and shown on your accompanied red lined site plan do not meet the spirit and intent of the Baltimore County Zoning Regulations and the order in zoning Case 99-183-A.
2. A petition for Variance is required to amend the previously approved site plan in Case 99-183-A.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

cc:  
Dan and Vienna Dietrich  
11444 Glen Arm Road  
Glen Arm, Maryland 21057

Leonard Wasilewski  
Planner II  
Zoning Review  
LW/08-149

CASE NAME Dietrich  
CASE NUMBER 2008-0468-SP17  
DATE 7-22-08

[illegible]

CASE NAME Dietrich  
CASE NUMBER SPH 2008-0468  
DATE 7/22/08

[illegible]

IN RE: PETITION FOR VARIANCE

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

Daniel Dietrich and Vienna Heerd  
Petitioners

\* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* 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



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.

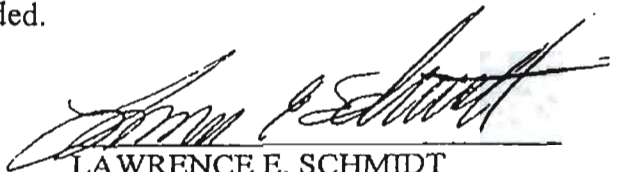
In this regard, the opposition of the Protestants is quite difficult to fathom. The Petitioners are utilizing an existing parcel and propose to improve same with one single family dwelling, irrespective of the fact that they might arguably develop the property with four individual units. That is, rather 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 21<sup>st</sup> 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

RECEIVED FOR FILING

1/21/99  
LES

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)  
11<sup>TH</sup> ELECTION DISTRICT  
6<sup>TH</sup> 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 fiance', 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 fiance' 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.

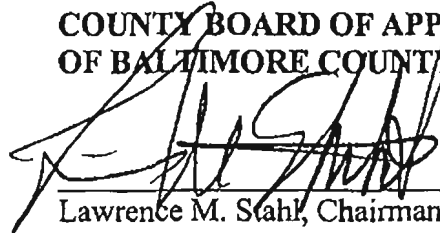
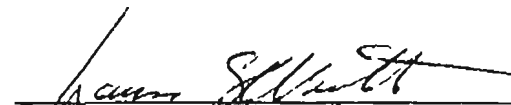
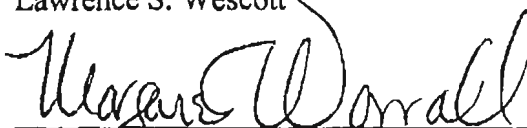
In conclusion, the Board is unanimous in granting the Petition for Variance seeking relief from Sections 104.3.B.2 and 400.J of the BCZR to permit lot line setbacks of 20 feet and 24 feet in lieu of the required 50 feet each, and to allow an existing shed to remain in the front yard in lieu of the required 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  
89-1005PH

## 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 28<sup>th</sup> 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 108, County Office Building in Towson, Baltimore County, on the 26<sup>th</sup> 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          | * | ZONING COMMISSIONER |
| to Lots 42,43 and 44 of             | * |                     |
| Triple Union Park, et al            | * | OF BALTIMORE COUNTY |
| 7th Councilmanic District           | * |                     |
| 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

BY

11/7/88  
 [Signature]



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

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

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SENDER:</b> 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.<br><input checked="" type="checkbox"/> Show to whom delivered, date, and addressee's address. <input type="checkbox"/> Restricted Delivery. |                                                                                                                                                                                                                                                                                                                            |
| 3. Article Addressed to:<br>Mr. & Mrs. William E. Foulke<br>3111 Roger Road<br>Baltimore, MD 21219                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 4. Article Number<br>P-549 222 498<br>Type of Service:<br><input type="checkbox"/> Registered <input type="checkbox"/> Insured<br><input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD<br><input type="checkbox"/> Express Mail<br>Always obtain signature of addressee or agent and DATE DELIVERED. |
| 5. Signature - Addressee<br>X <i>William Foulke</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 6. Addressee's Address (ONLY if requested and fee paid)                                                                                                                                                                                                                                                                    |
| 6. Signature - Agent<br>X                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                            |
| 7. Date of Delivery<br>7 2 8 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                            |



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 101 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  
#89-10CSPH, 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.

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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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SENDER:</b> 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. <input type="checkbox"/> Show to whom delivered, date, and addressee's address.                                                                                                                                                                                                                                                                                                                                                                                                              | 2. <input type="checkbox"/> Restricted Delivery.                                                                                                                                                                                                                                                                           |
| 3. Article Addressed to:<br>Mr. & Mrs. Eugene A. Davidson<br>3107 Newton Rd.<br>Baltimore, MD 21219                                                                                                                                                                                                                                                                                                                                                                                             | 4. Article Number<br>P-549 222 500<br>Type of Service:<br><input type="checkbox"/> Registered <input type="checkbox"/> Insured<br><input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD<br><input type="checkbox"/> Express Mail<br>Always obtain signature of addressee or agent and DATE DELIVERED. |
| 5. Signature - Addressee<br>X <i>Eugene A. Davidson</i>                                                                                                                                                                                                                                                                                                                                                                                                                                         | 6. Addressee's Address (ONLY if requested and fee paid)                                                                                                                                                                                                                                                                    |
| 6. Signature - Agent<br>X                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                            |
| 7. Date of Delivery<br>7-30-88                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                            |

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

J. Robert Haines  
Zoning Commissioner

July 29, 1988

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



Dennis F. Rasmussen  
County Executive

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

By: W. Carl Richards, Jr.  
Zoning Coordinator

P-549 222 497  
RECEIVED FOR CERTIFICATION

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SENDER:</b> 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. <input type="checkbox"/> Show to whom delivered, date, and addressee's address.                                                                                                                                                                                                                                                                                                                                                                                                              | 2. <input type="checkbox"/> Restricted Delivery.                                                                                                                                                                                                                                                                                       |
| 3. Article Addressed to:<br>Mr. & Mrs. Samuel B. Poist<br>3136 Main Ave.<br>Baltimore, MD 21219                                                                                                                                                                                                                                                                                                                                                                                                 | 4. Article Number<br>P-549 222 497<br>Type of Service:<br><input checked="" type="checkbox"/> Registered <input type="checkbox"/> Insured<br><input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD<br><input type="checkbox"/> Express Mail<br>Always obtain signature of addressee or agent and DATE DELIVERED.. |
| 5. Signature - Addressee<br>X                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 6. Addressee's Address (ONLY if requested and fee paid)                                                                                                                                                                                                                                                                                |
| 7. Signature - Agent<br>X Philip J. Poist                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                        |
| 7. Date of Delivery<br>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 Commissioner  
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 Nial Date of return: 8  
Signature  
Number of Signs: 3 (1 single, 2 Back to Back)

**NOTICE OF HEARING**

Petition for Special Hearing  
Case number 88-100-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 14 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  
WILLIAM E. &  
FREIDA C. FOULKE  
3111 Roger Road  
Baltimore, MD 21219  
Lots 11, 12 Lynch Point

EUGENE A. &  
DORIS DAVIDSON  
3107 Newton Road  
Baltimore, MD 21219  
Lots 12, 16 Lynch Point

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

SAMUEL B. &  
ELIZABETH C. FORD  
3126 Main Ave.  
Baltimore, MD 21219  
Lots 43, 44 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 1 successive weeks, the first publication appearing on August 11, 1988.

THE JEFFERSONIAN,

S. Zeb

Publisher

PC# 02713

R.G. 108896



**Case Number**

01-460A

PLEASE PRINT LEGIBLY

## PROTESTANT'S SIGN-IN SHEET

[illegible]

①

Case # 01-460-A



②

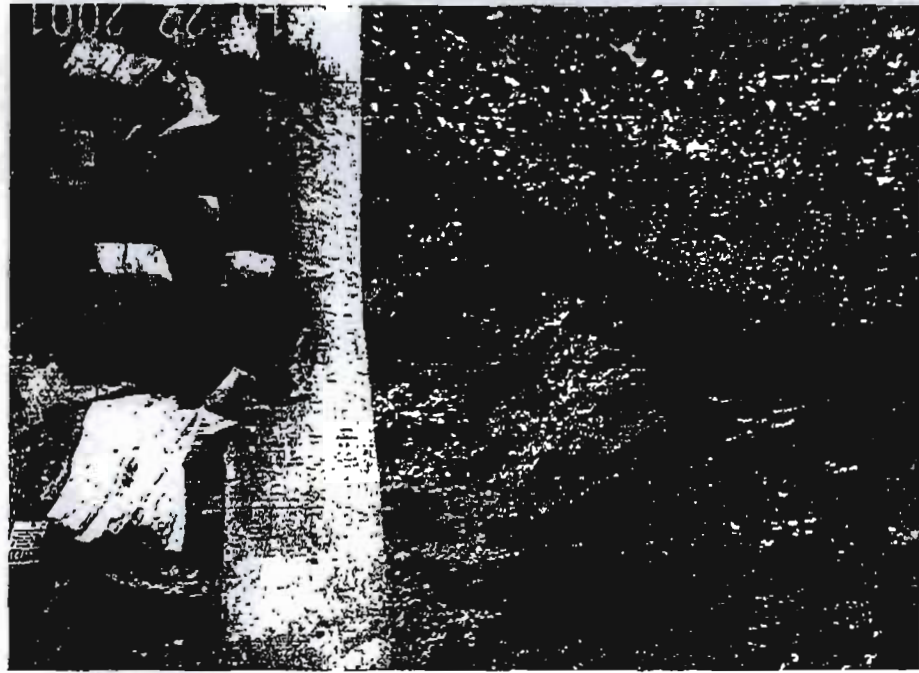


④

242



Case # 01-468-A



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. WASHBURN

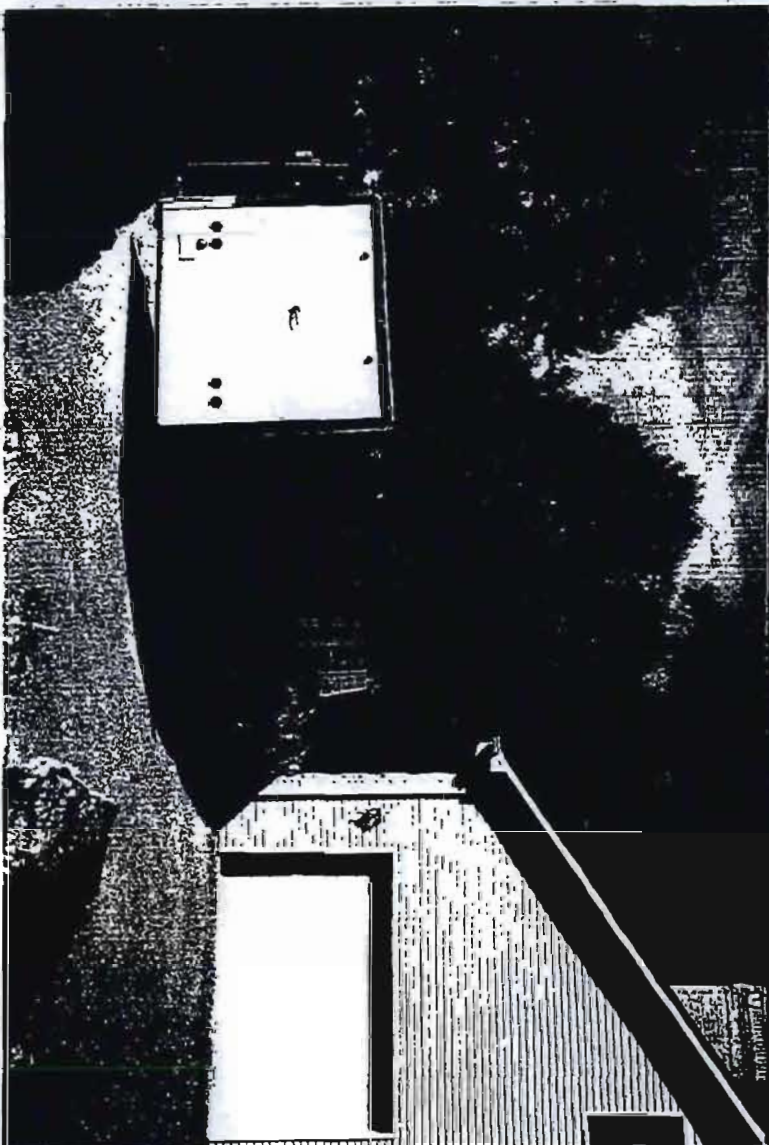


10-19-2001

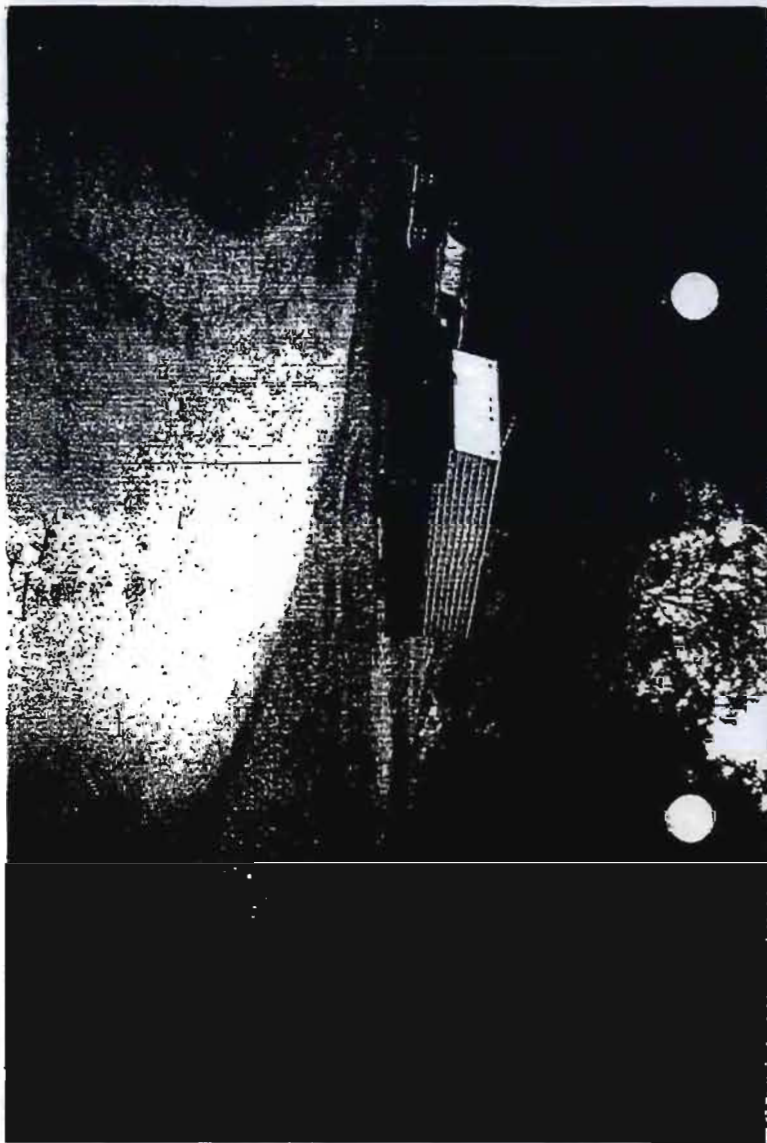




photograph  
01-460-A











# 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.

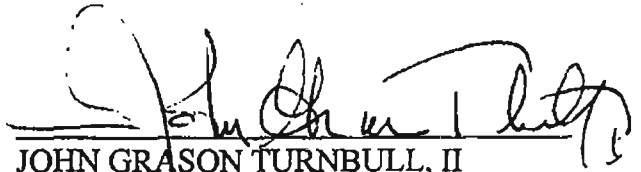
Based upon this expert testimony, the Board found that the property was particularly unique to the surrounding properties based on its irregular triangular shape, steep slopes and environmental constraints. The Board also found that due to the topography of the land, the relocation of the dwelling would 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 February 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,

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

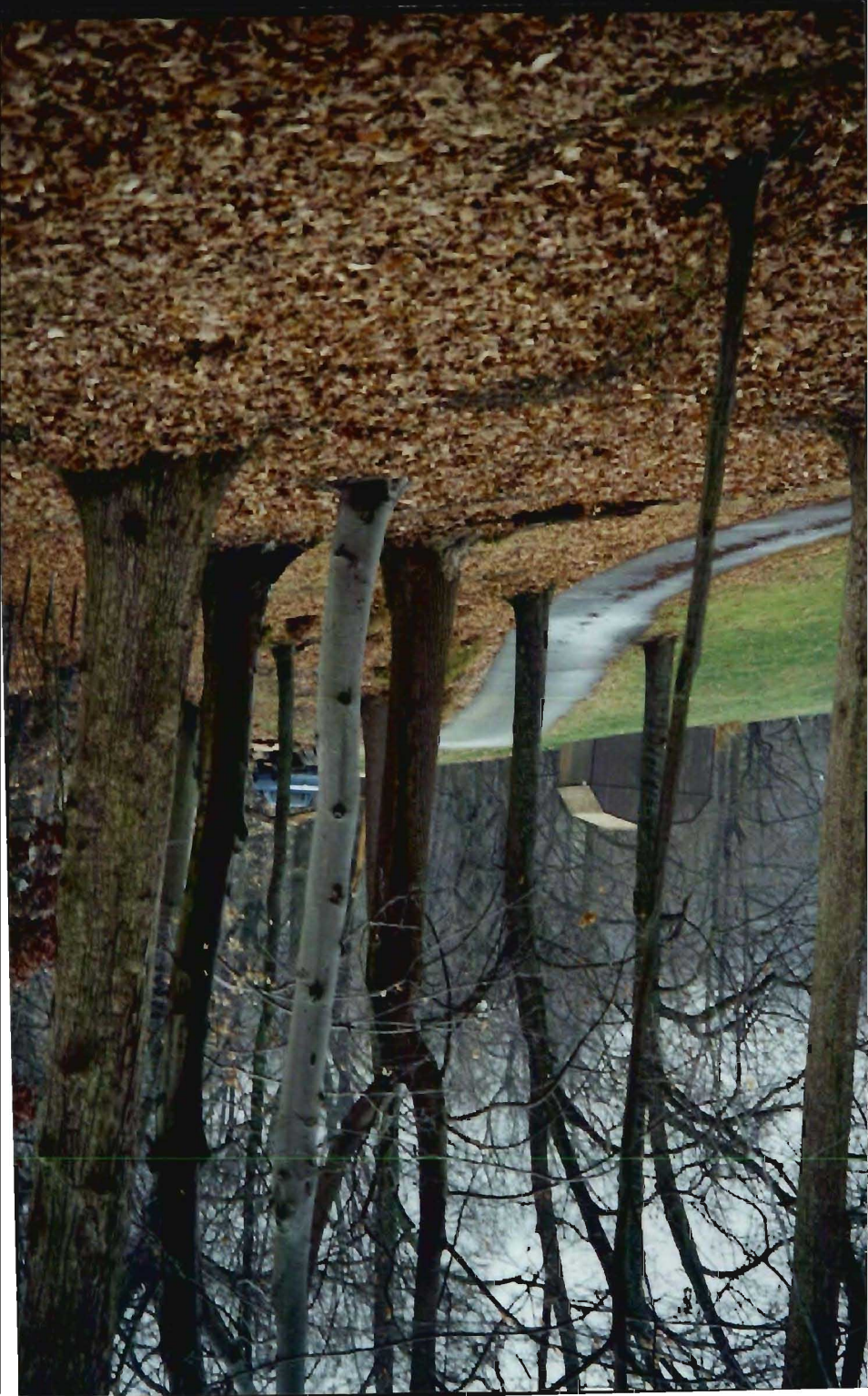




2011 11 12











Case No.: 2008-0468-SPH 11444 GLEN ARM RD

Exhibit Sheet

Petitioner/Developer

Protestant

|                            |                                                                   |                                                                                   |
|----------------------------|-------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| No. 1                      | RED LINED SITE PLAN                                               | 99-183-A ORDER                                                                    |
| No. 2<br>A thru Q          | PHOTOGRAPHS OF EXISTING CONDITIONS                                | PETITION FOR SPECIAL HEARING AS FILED - "SHED" rather than "Garage"               |
| No. 3<br>1998 PHOTO'S      | Photo's from PRIOR HEARING REVIEWED and RETURNED                  | Recreational Vehicle 01-460-A - NOT Allowed in front yard                         |
| No. 4<br>ADDITION          | Architectural Drawings by David Cross (5 Pages)                   | Photo COPY OF NRC - Recreational Motor HOME                                       |
| No. 5<br>FRONT YARD GARAGE | Architectural Drawings FRONT YARD Accessory Structure             | WEB SITE LISTING for DLD Contracting at Subject Property                          |
| No. 6                      | Aerial Photograph                                                 | 6A - View from Brownells<br>6B + 6C - View of front yard shed from Brownell House |
| No. 7<br>A thru E          | Photo's of deteriorated Shed in front yard                        |                                                                                   |
| No. 8                      | Photo's of Ant. give Cars (Photo's of 1955 & 1956 Chev. Returned) |                                                                                   |
| No. 9                      |                                                                   |                                                                                   |
| No. 10                     |                                                                   |                                                                                   |
| No. 11                     |                                                                   |                                                                                   |
| No. 12                     |                                                                   |                                                                                   |

IN RE: PETITION FOR VARIANCE

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

**PROTESTANT' S**

EXHIBIT NO. 1

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12/1/99  
6



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.

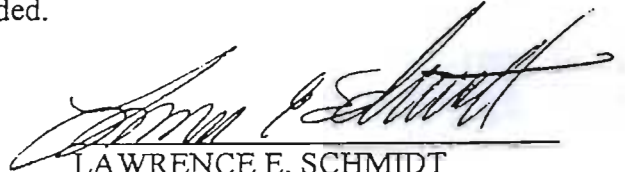
In this regard, the opposition of the Protestants is quite difficult to fathom. The Petitioners are utilizing an existing parcel and propose to improve same with one single family dwelling, irrespective of the fact that they might arguably develop the property with four individual units. That is, rather 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 21<sup>st</sup> 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

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1/21/99  
L. E. Schmidt



# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at: 11444 Glen Arm Road  
which is presently zoned R.C. 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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

See Attached

|                   |              |         |            |
|-------------------|--------------|---------|------------|
| Post-It® Fax Note | 7671         | Date    | # of pages |
| To                | Jenn         | From    | Kroten     |
| Co./Dept.         |              | Co.     |            |
| Phone #           |              | Phone # |            |
| Fax #             | 410 296 2768 | Fax #   |            |

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

I, or we, agree to pay expenses of above Special Hearing, 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State Zip Code

### Attorney For Petitioner:

Deborah Dopkin

Name - Type or Print

Signature

Law Offices of Deborah Dopkin, P.A.

Company

409 Washington Avenue, Suite 1000

Address

Telephone No.

Towson

MD 21204

City

State Zip Code

Case No. 2008-0468-SPH

### Legal Owner(s):

Daniel L Dietrich

Name - Type or Print

Signature

Vienna C Dietrich

Name - Type or Print

Signature

11444 Glen Arm Road

410-808-4973

Address

Telephone No.

Glen Arm

MD 21057

City

State Zip Code

### Representative to be Contacted:

Richard E. Matz

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By RM

Date 4/7/08

PROTESTANT' S

EXHIBIT NO. 2



PETITION FOR SPECIAL HEARING

11444 Glen Arm Road

Tax Account No. 22-00-023516

To amend the site plan approved in Case No. 99-183-A to approve

1. The demolition of an existing shed in the rear yard and the construction of an addition to the existing residence in place of the shed;

And

2. The demolition of an existing shed and replacement in a previously approved location with a larger shed in the front yard (replace a 12 foot by 20 foot shed with a 28 foot by 32 foot shed).

**IN RE: PETITION FOR VARIANCE**

E/S Glen Arm Road, 650' N of the c/l  
Glen Arm Road  
(11444 Glen Arm Road)  
11<sup>th</sup> Election District  
6<sup>th</sup> 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 fami-

**PROTESTANT' S**

EXHIBIT NO. 3

ORDER RECEIVED FOR FILING

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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

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

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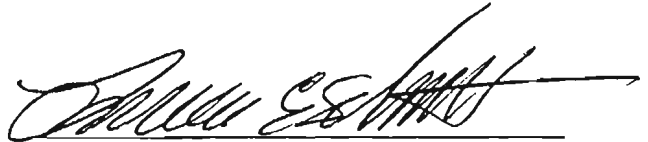


is visible from adjacent properties. In this instance, I believe that strict adherence to the zoning regulations should be mandated. Thus, variance relief shall be denied.

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.



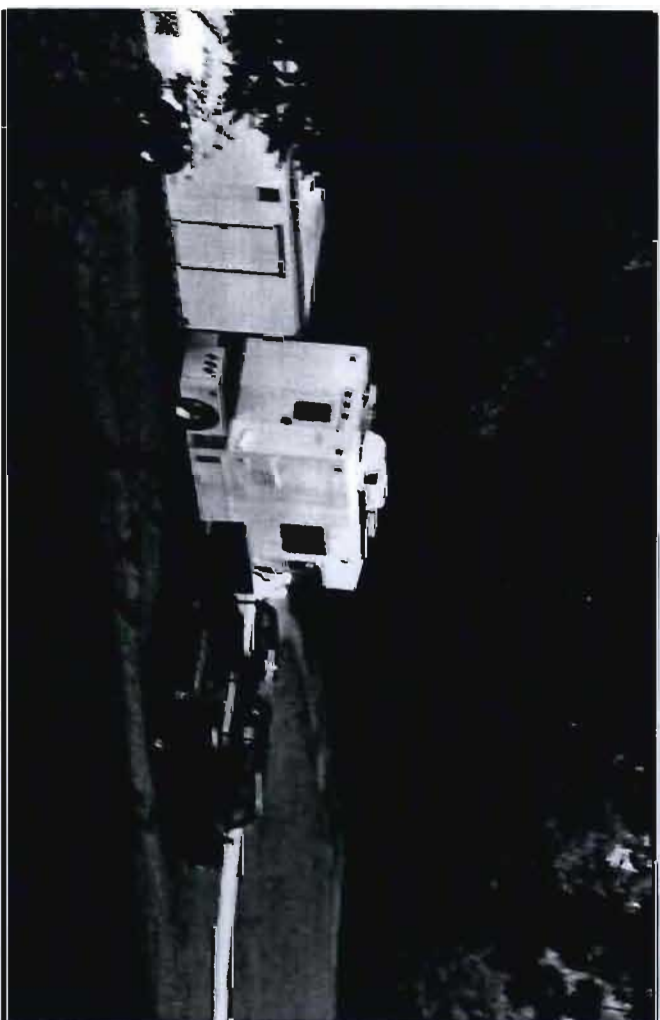
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

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Date

By



PROTESTANT'S

EXHIBIT NO. \_\_\_\_\_

4

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Glen Arm, MD 21057  
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FAX: 410.665.9677

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PROTESTANT' S

EXHIBIT NO. 5

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## DLD Mechanical Contracting History

In 2001, DLD Contracting was founded by Daniel Dietrich, President and CEO. Dan has over 25 years in the mechanical trade and certifications in dehumidification, heating and air conditioning, med gas, and asbestos removal.

Dan started his career working in the Mechanical trade for Seiman's Building Technologies. After 17 years he decided to venture out on his own. One of his customers noticed his aptitude and ability to problem solve and told him to look into servicing dehumidification units. After careful consideration, Dan decided this would be his next step into the world of air quality control with mechanics.

In 2002, Dan received his certification from Dectron which allowed him to install and service Dectron Systems (see our Dectron page). He now services some of the largest facilities on the east coast. He has also taken part from the drawing book stages to the installation of these large units in 5 star hotels, water parks, and wellness centers such as the Maryland Athletic Club in Timonium and downtown, Baltimore City.

In 2002, DLD took on a new venture and added a dump truck and flat bed to the business. After a couple of years, and a lot of hard work he added 13 dump trucks with hopes of adding more in 2008 (Please visit our trucking page for more information).

In 2006, Dan received his certification from Poolpak International. Poolpak is another manufacturer dehumidification system.

Also in 2006, Dan completed his training in aerosol monitoring and analysis certification to work with asbestos removal and he renewed his med-gas certification in 2007.

Dan's wife, Vienna Dietrich has more than 20 years in finance, getting her schooling from Villa Julie College and has worked supervising up to 200 employees. She brings knowledge and a lot to the table.

DLD's goals for the future include continuing to perform to our Customer's satisfaction. We want to provide the service other contractors don't. We look forward to having the respect and trust of our Customer's, giving them excellence and dedication that they have come to expect. We hope to extend our Customer base because of our accountability and getting the job done. The Customer is DLD Contracting's future. We work for them and we look forward to working for you.

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Glen Arm, MD 21057  
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|----------|----------------------------|------------------|----------|------------|
|----------|----------------------------|------------------|----------|------------|

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DLD Contracting is a full service HVAC (Heating, Ventilation, and Air Conditioning) contractor, specializing in commercial and residential HVAC installation, service, and maintenance, including HVAC repairs, service contracts, and other custom services.

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- Laboratory Renovations (Public, University, Private)
- Exhaust Fans and specialized DUCT Systems Installation
- Fabrication of DUCT Work
- FUME Hood Installation
- Preventative Maintenance Service Contracts
- Boiler Service
- Piping Repairs and Installation
- Refrigeration Service
- Servicing all makes and models of HVAC Commercial Systems and Equipment
- Full Service Sheet Metal Shop- Custom, specialized finishing services
- Welding Services:
  - Orbital
  - TIG
  - MIG & STICK

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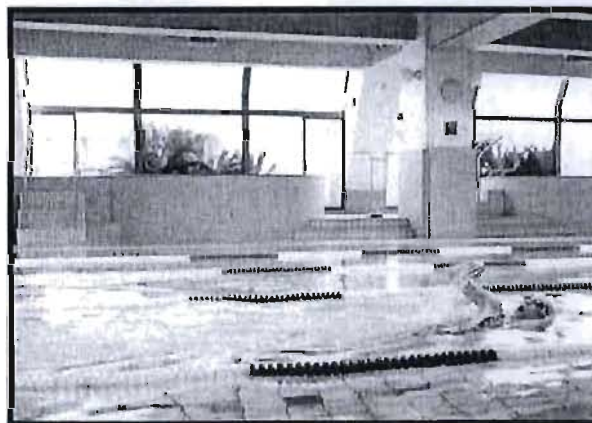
TRUCKING

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**DLD Dehumidification Services**

DLD Contracting specializes in commercial and residential dehumidification system installation and service, as well as a variety of duct, piping, and welding services.

- Factory Dectron & Pool-Pak Dehumidification Service and Installation
- Exhaust Fans and specialized DUCT Systems Installation
- Fabrication of DUCT Work
- Preventative Maintenance Service Contracts
- Piping Repairs and Installation
- Welding Services:
  - Orbital
  - TIG
  - MIG & STICK



Humidity control is crucial to any indoor environment.

Recycled energy is a must with the new green way of life. Space is an issue that Dectron and PoolPak has addressed, while allowing your choice of horizontal or vertical designs as needed. Indoor environment becomes a concern when high levels of humidity and air quality can promote corrosion, which can lead to structural damage. These environments also conspire to add growth of mold, mildew, bacteria, viruses, and many other adverse effects, if not maintained by a professional, like DLD Contracting. Dectron and PoolPak specializes in many different humidifiers to meet the needs of our customer base.

Remember, pools belong outside not in, so if we don't do something to prevent the high temperatures, high moisture generation, and chemical usage, all of which are DLD's specialty, you will have unwanted issues that could have been prevented with one telephone call.

**DLD offers Telephone Technical Support**  
Please contact our office for rates.

DLD Contracting can provide you with any information pertaining to the purchasing and installation of any dehumidification system, including:

- Indoor Pool / Whirlpool Light Commercial and Residential Dehumidifiers
- Indoor Pool / Whirlpool Institutional Dehumidifiers
- Indoor Spa and Whirlpool Dehumidifiers
- Outdoor Air Dehumidifiers
- IAQ 100% Outdoor Air Dehumidifiers
- General Purpose Residential and Light Commercial Dehumidifiers
- Warehouse and Factory Dehumidifiers
- Ice Rink Low Temperature and Water Treatment Plant Dehumidifiers
- Outdoor Air Cooled Condensers

DLD Contracting can also provide and install any Microprocessor and personal computer controls that fit the needs of any dehumidifiers you purchase.

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## DLD Dump Truck Hauling Services

DLD Contracting provides professional, local and long distance hauling for all types of materials, including:

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- Asphalt
- Class 1 Rock
- Demolition Debris
- Concrete Debris and Rubble Removal
- Contaminated Soil

DLD Contracting also offers Equipment and Specialized Hauling, Tri-Axle & Dump Trailer Services, and Low Boy Services, as well as the following Paving Services-

- Asphalt Paving
- Driveway Paving
- Tennis & Basketball Paving
- Parking Lots



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|                                                                                              |                      |
|----------------------------------------------------------------------------------------------|----------------------|
| Name:                                                                                        | <input type="text"/> |
| City, State & Zip:                                                                           | <input type="text"/> |
| Phone:                                                                                       | <input type="text"/> |
| Email Address:                                                                               | <input type="text"/> |
| Comments/ Questions:<br><input type="text"/><br><input type="text"/><br><input type="text"/> |                      |
| <input type="button" value="Submit Form"/>                                                   |                      |

**DLD CONTRACTING**

11444 Glen Arm Road  
Glen Arm, MD 210157

Office: 410.808.4972  
Fax: 410.665.9677

**HOURS OF OPERATION**

Monday - Friday: 8:00AM - 5:00PM

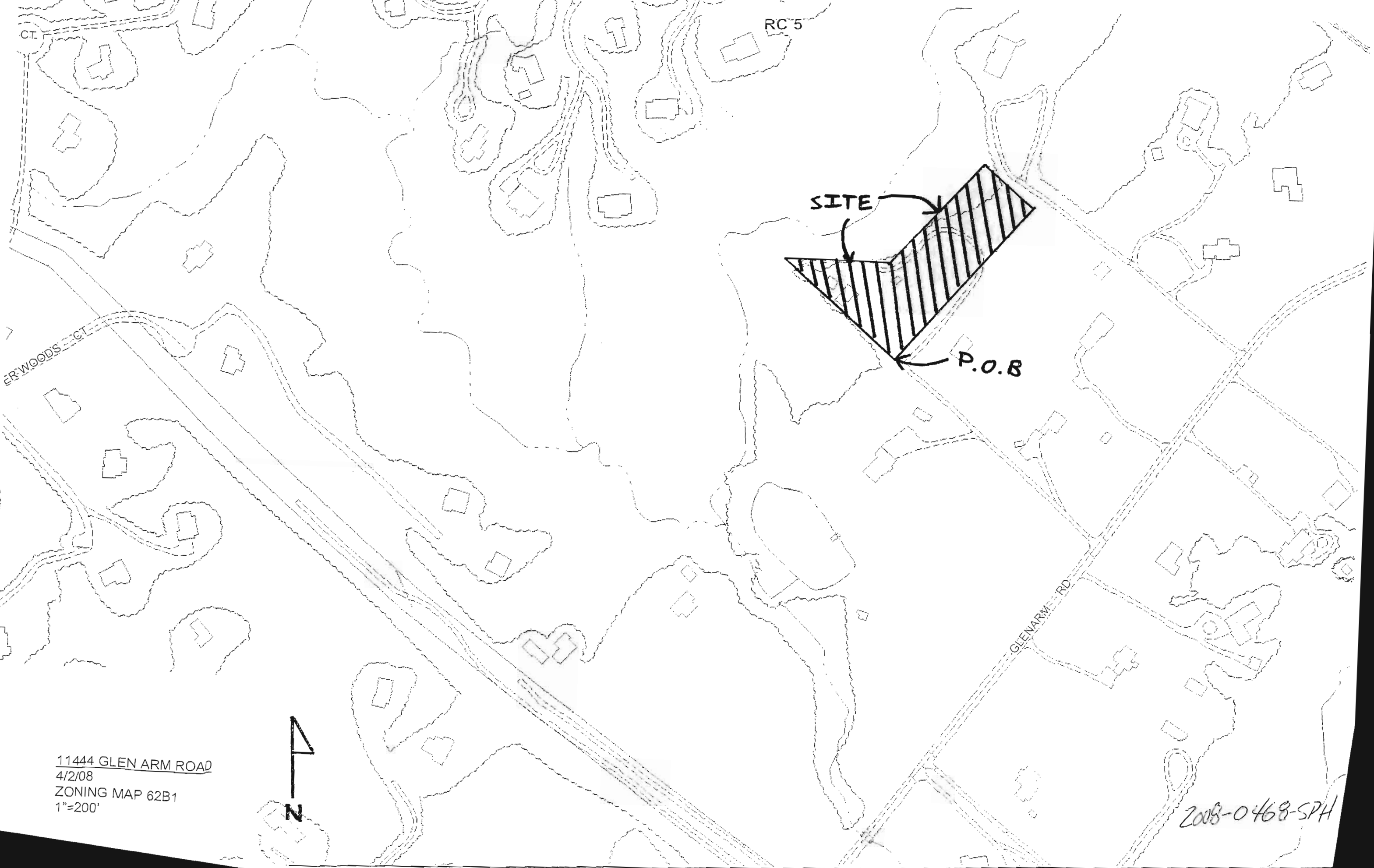
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11444 GLEN ARM ROAD  
4/2/08  
ZONING MAP 62B1  
1"=200'

2008-0468-SPH

Case No.: 2008-0468-SPH 11444 GLEN ARM RD

Exhibit Sheet

Petitioner/Developer

Protestant

|                            |                                                                 |                                                                                |
|----------------------------|-----------------------------------------------------------------|--------------------------------------------------------------------------------|
| No. 1                      | Red Lined Site PLAN                                             | 99-183-A ORDER                                                                 |
| No. 2<br>A thru Q          | PHOTOGRAPHS OF Existing Conditions                              | Petition FOR SPECIAL HEARING As Filed - "Sited" rather than "Garage"           |
| No. 3<br>1998 PHOTO'S      | Photo's from PRIOR Hearing Reviewed and Returned                | Recreational Vehicle 01-460-A - NOT Allowed in front yard                      |
| No. 4<br>ADDITION          | Architectural Drawings by David Cross (5 Pages)                 | Photo COPY OF NRC - Recreational Motor HOME                                    |
| No. 5<br>FRONT YARD GARAGE | Architectural Drawings FRONT YARD Accessory Structure           | WEB SITE LISTING for DLD Contracting at Subject Property                       |
| No. 6                      | Aerial Photograph                                               | 6A - View from Brownells 6B + 6C - View of front yard shed from Brownell House |
| No. 7<br>A thru E          | Photo's of deteriorated Shed in front yard                      |                                                                                |
| No. 8                      | Photo's of Antiquo Cars (Photo's of 1955 & 1956 Chev. Returned) |                                                                                |
| No. 9                      |                                                                 |                                                                                |
| No. 10                     |                                                                 |                                                                                |
| No. 11                     |                                                                 |                                                                                |
| No. 12                     |                                                                 |                                                                                |



PETITIONER'S

EXHIBIT NO.

2

2A thru 2Q





Baldy

over the top













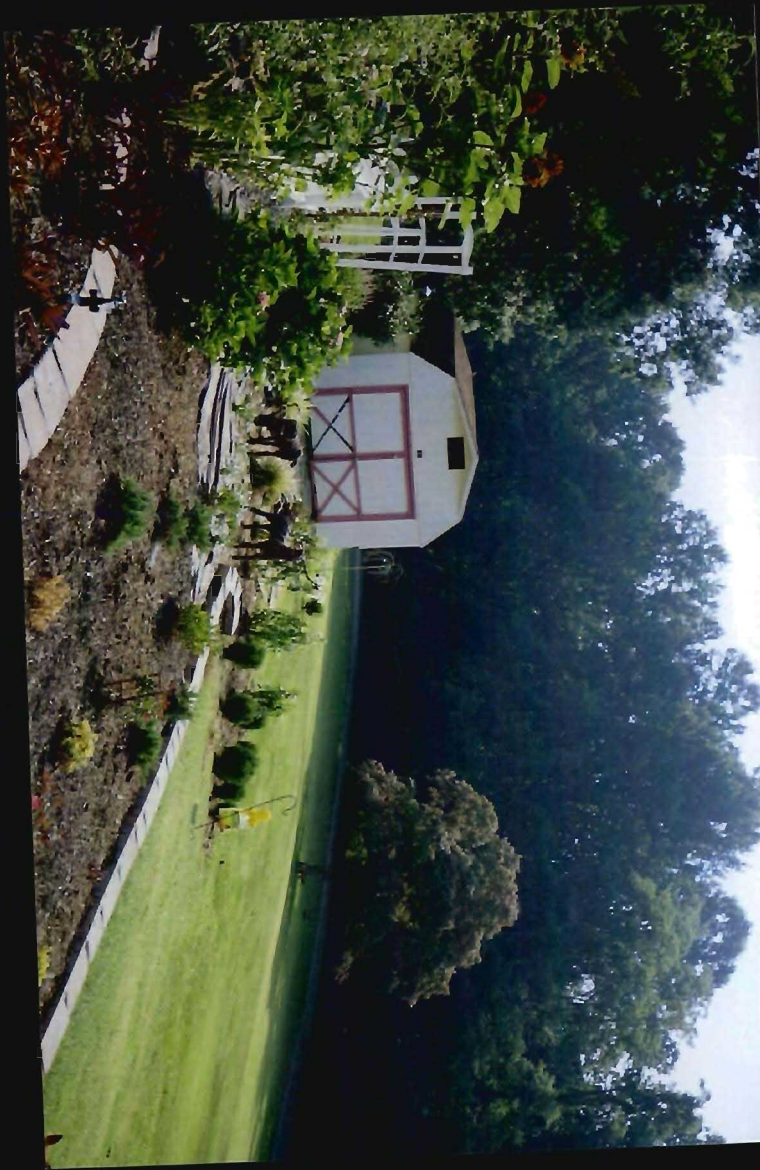
Can not  
afford  
more

7

Bridgells Penna  
or Tices

Looking from our garage  
to Brownell's house

















sheds







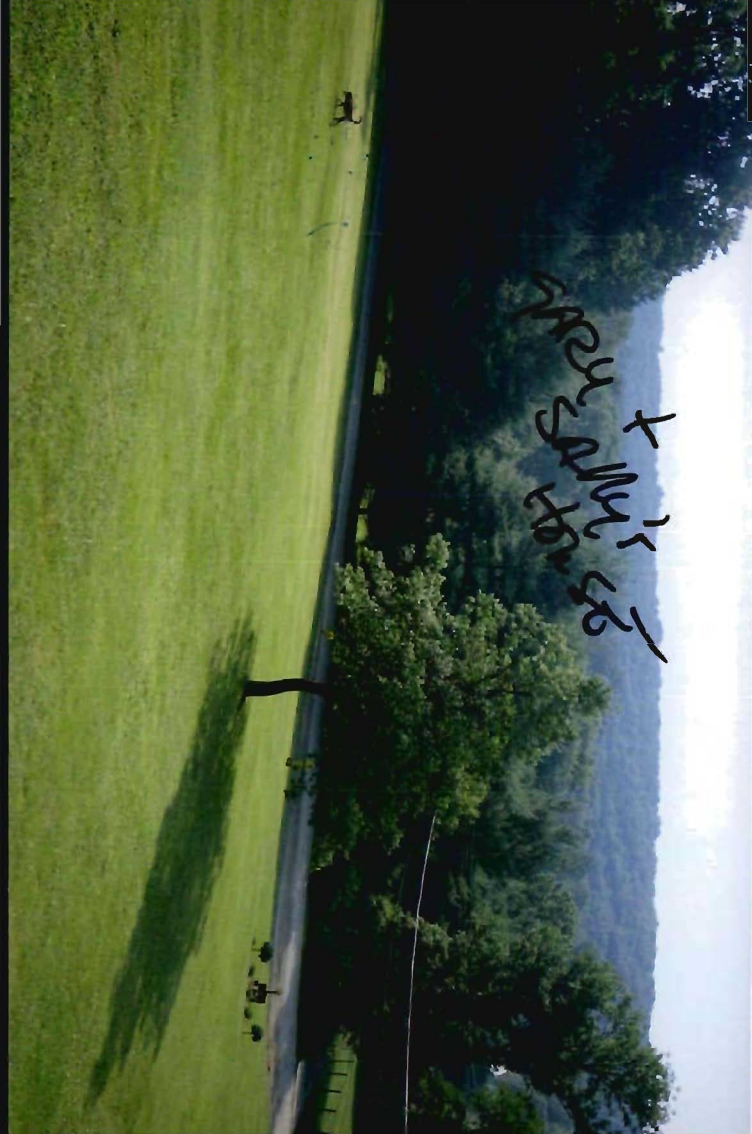
Shed  
to be  
down

Side  
yard

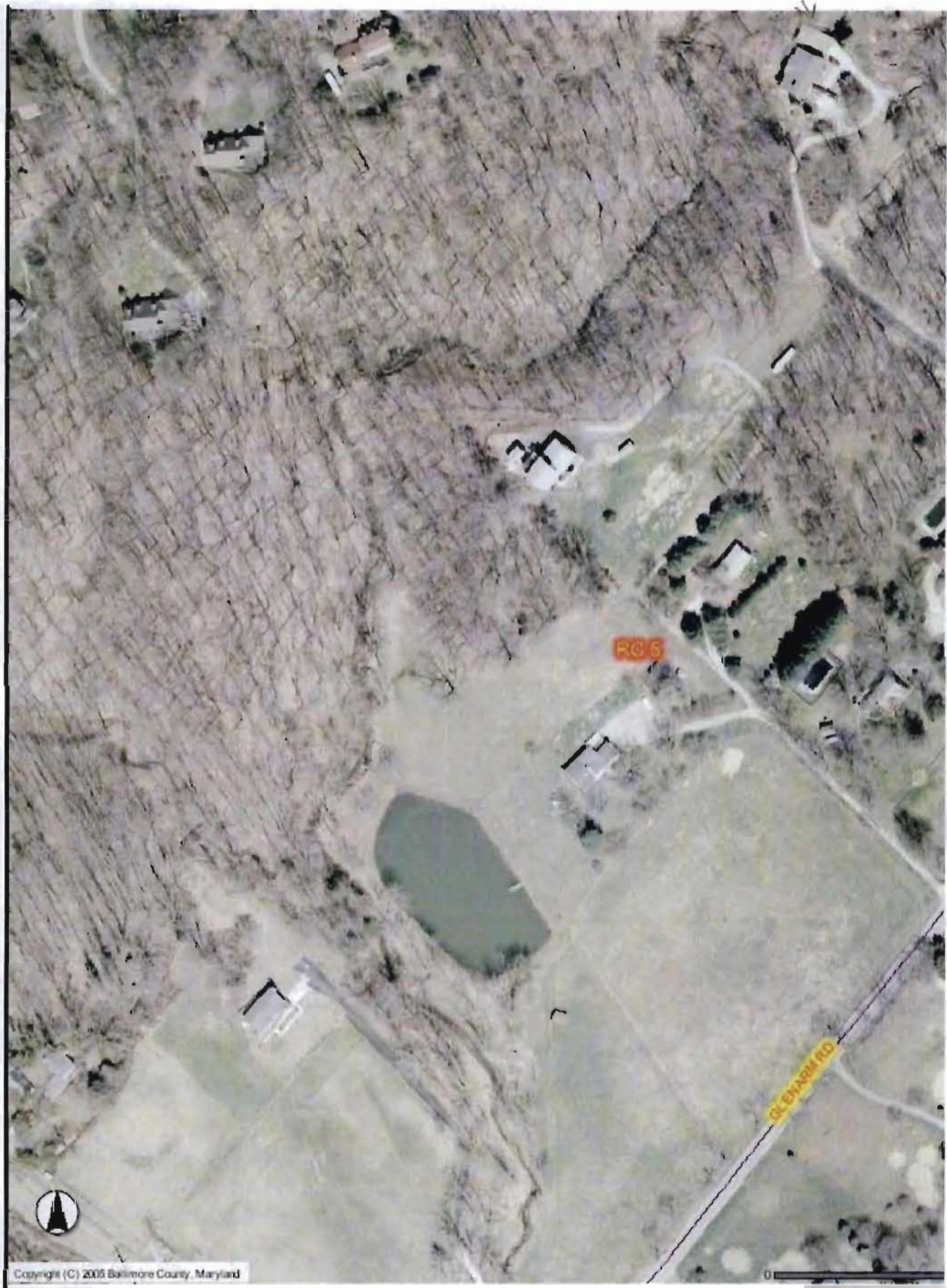




Wash State







Petitioner's Ex 6



Side / Front Shed

PETITIONER'S  
EXHIBIT NO. 7 <sup>Arthur</sup><sub>E</sub>

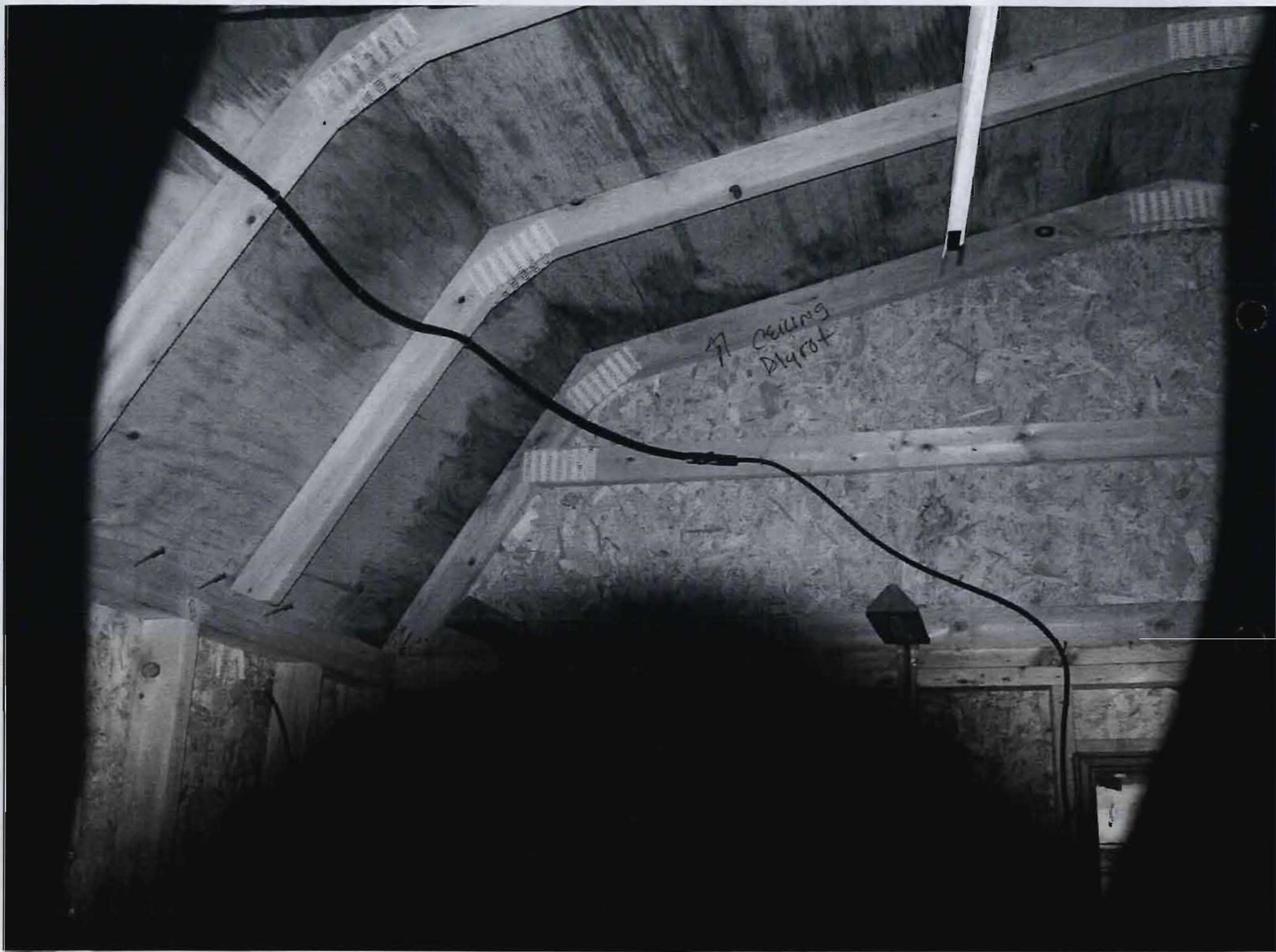
Side  
Front / Shed

Does  
Callings  
out

side shed



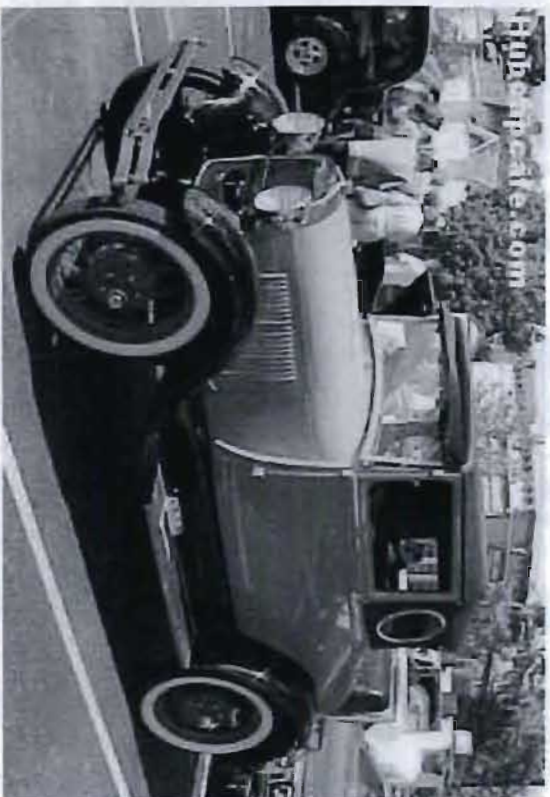












← 1929 A Coupe  
Joed



← 1930 A Coupe  
Joed



1999 Porsche  
Boxster

PETITIONER'S

EXHIBIT NO. 8





FRONT ELEVATION 1/4" = 1'0"

| AREA TABULATIONS   |               |
|--------------------|---------------|
| 1st floor Addition | = 928 sq.ft.  |
| 2nd floor Addition | = 928 sq.ft.  |
| TOTAL              | = 1856 sq.ft. |

| DRAWING INDEX |                                  |
|---------------|----------------------------------|
| Sheet 1 of 5- | Elevations / Notes               |
| Sheet 2 of 5- | Elevations/Notes                 |
| Sheet 3 of 5- | 1st and 2nd Floor Plans/Notes    |
| Sheet 4 of 5- | Foundation Plan/ Sections/ Notes |
| Sheet 5 of 5- | Framing Plans/ Notes             |

#### GENERAL NOTES

- All exterior dimensions are from face of sheathing to face of stud unless noted.
- All interior dimensions are from face of stud to face of stud unless noted.
- All masonry dimensions are from face of masonry to face masonry unless noted otherwise.
- All masonry rough openings shall be provided by the contractor/owner.
- All angles are at 45 degrees unless noted otherwise.
- The Contractor/Owner shall be responsible for the verification of all dimensions. Use written dimensions only and report any discrepancy to the designer prior to the start of demolition and or construction.
- Bottom of footings shall be 36" below finished grade (unless noted otherwise).
- All electrical, plumbing, and mechanical layouts, diagrams, and permits shall be provided by the respective contractor.
- The Designer shall not be responsible for any deviations from the construction documents.
- The Designer shall be notified of any materials substitutions for approval prior to the shipment of the material.
- DO NOT SCALE DRAWINGS!!! USE WRITTEN DIMENSIONS ONLY!!!

#### INSULATION NOTES :

|                          |           |
|--------------------------|-----------|
| 2X6 EXTERIOR WALLS       | R-19 MIN. |
| 2X4 EXTERIOR WALLS       | R-13 MIN. |
| FLOOR OVER CRAWL SPACE   | R-21 MIN. |
| FLOOR @ EXT. CANTILEVERS | R-30 MIN. |
| ALL CEILING AREAS        | R-38 MIN. |
| ALL BASEMENT WALLS       | R-11 MIN. |

#### DESIGN CRITERIA

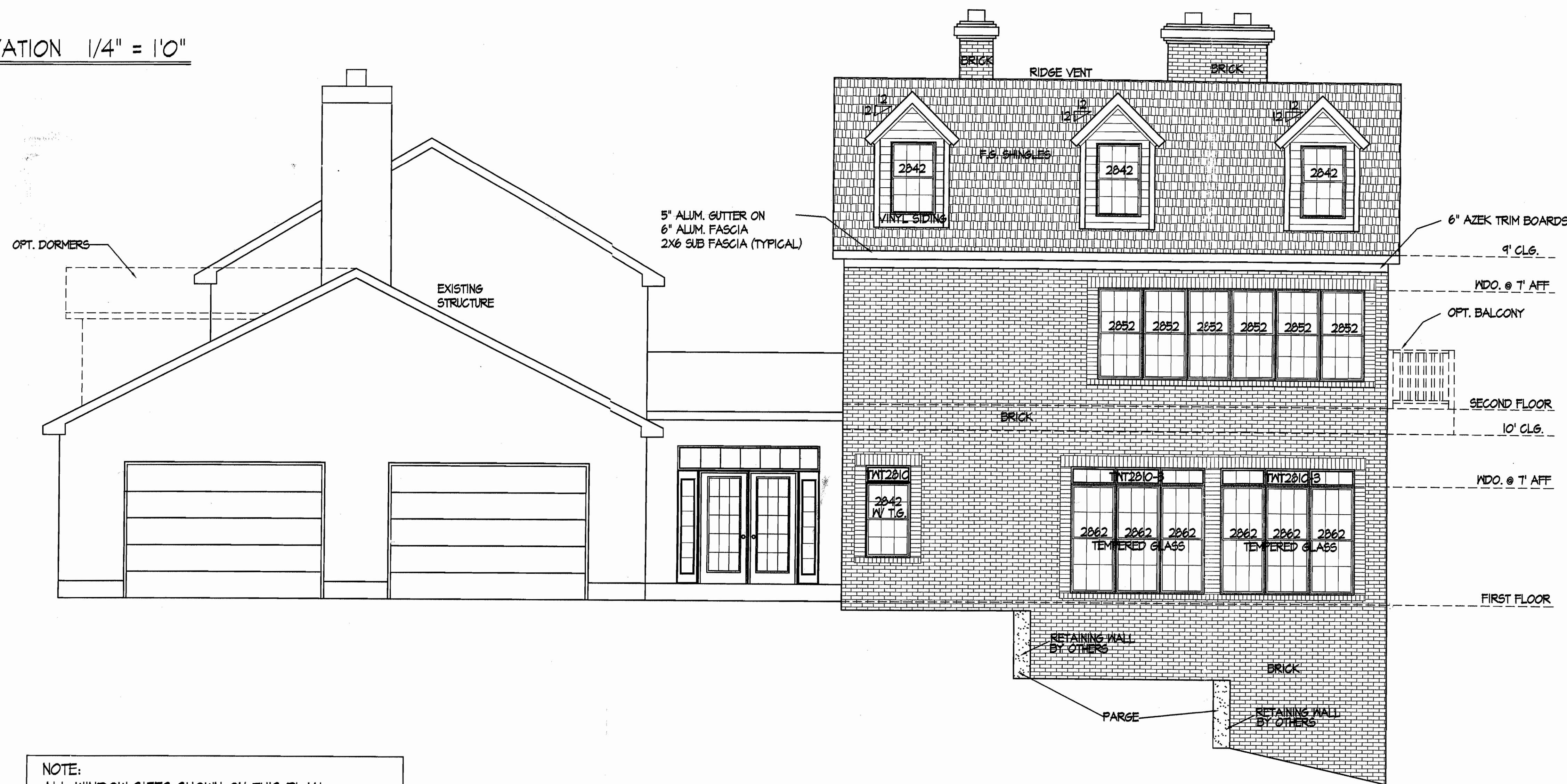
THIS PLAN HAS BEEN DEVELOPED USING THE 2003 INTERNATIONAL RESIDENTIAL CODE (IRC 2003)

#### NOTE:

THE CONTRACTOR SHALL VERIFY ALL EXISTING SITE CONDITIONS PRIOR TO THE START OF ANY DEMOLITION AND / OR CONSTRUCTION AND SHALL NOTIFY THE DESIGNER OF ANY CHANGES REQUIRED PRIOR TO THE CHANGE BEING MADE.

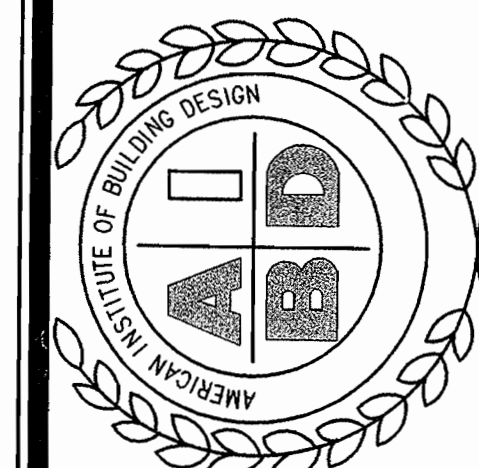
#### NOTE:

ALL WINDOW SIZES SHOWN ON THIS PLAN ARE ANDERSEN WINDOW MANUFACTURING 400 SERIES. IF ANOTHER MANUFACTURER IS USED THE BUILDER SHALL VERIFY THE ROUGH OPG'S AND EGRESS REQUIREMENTS PRIOR TO THE START OF CONSTRUCTION AND ORDERING OF THE UNITS



RIGHT SIDE ELEVATION 1/4" = 1'0"

DAVID M. CROSS  
A.I.B.D.  
PROFESSIONAL BUILDING DESIGNER  
1937B GLEN COVE ROAD  
DARLINGTON, MARYLAND 21034  
PH. (410) 836-3621



ADDITION TO  
**DIETRICH RESIDENCE**  
11444 GLEN ARM RD.  
GLEN ARM, MARYLAND 21057

PETITIONER'S  
EXHIBIT NO. 4

Progress  
**CONSTRUCTION PLAN**

Drawing No.  
**05-114**

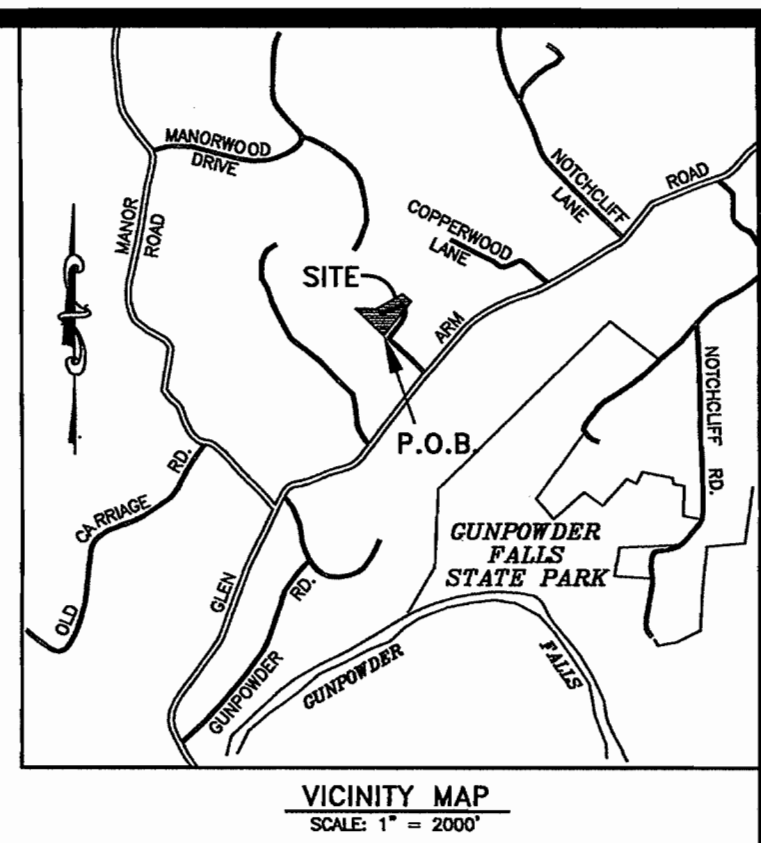
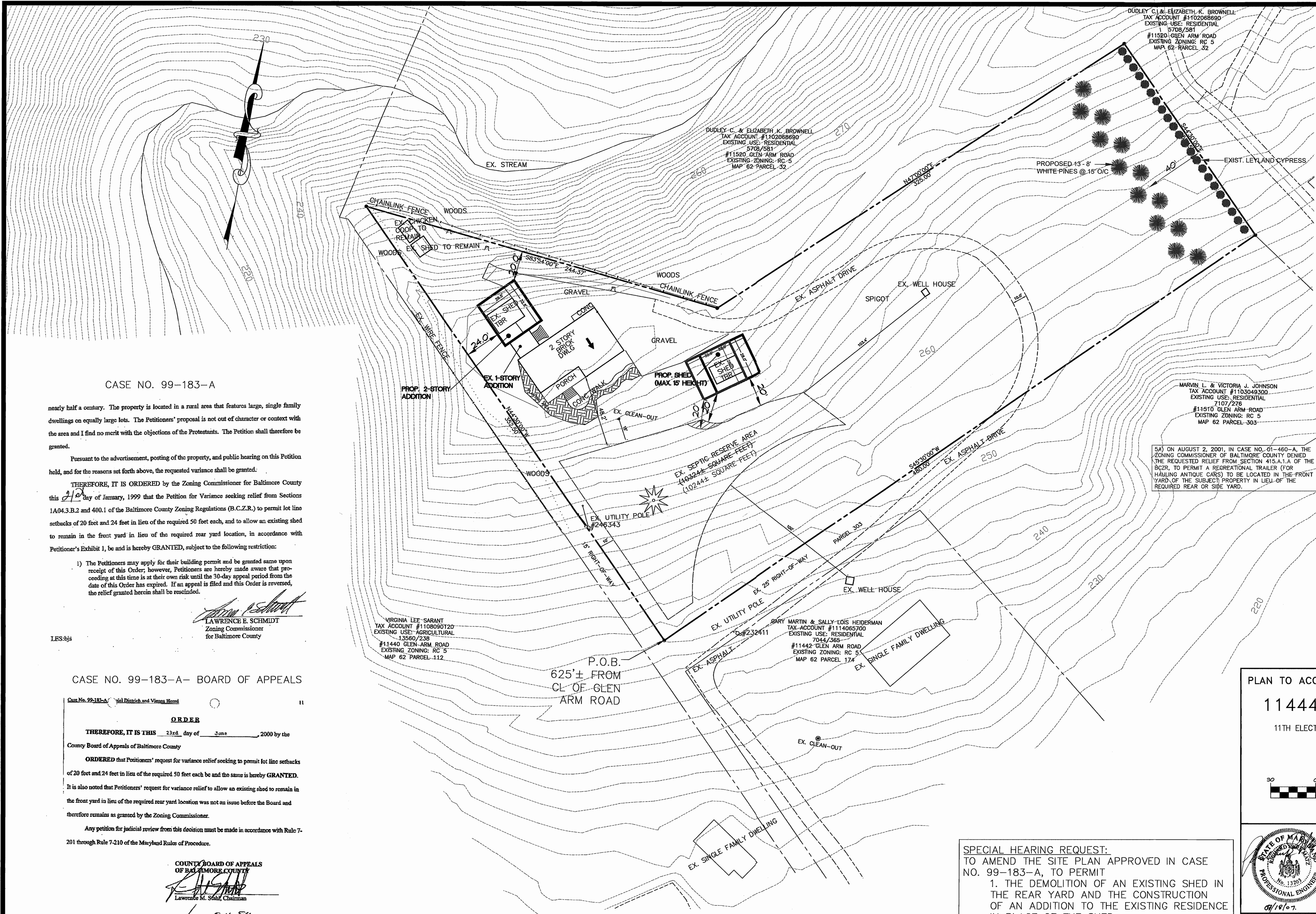
Date  
**JULY 16 2007**

Drawn  
**LVM**

Sheet No.  
**A-1**

Sheet Title  
**ELEVATIONS**  
1 of 5



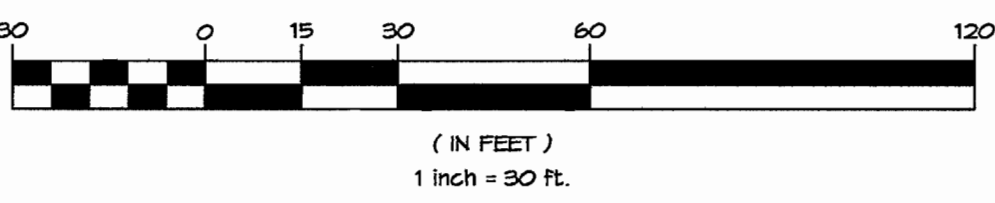


- NOTES**
- OWNERS: DANIEL L. DIETRICH  
VIENNA C. DIETRICH  
11444 GLEN ARM ROAD  
GLEN ARM, MD 21057
  - SITE DATA:  
AREA OF SITE: 91,821± SF OR 2.1± ACRES  
TAX ACCOUNT NO. 22-00-023516  
DEED REFERENCE: 17651/37  
TAX MAP 62 PARCEL 432  
ZONED R.C. 5 (ZONING MAP 62B1)
  - THIS SITE IS NOT IN A 100-YEAR FLOODPLAIN.
  - ALL BUILDINGS WILL MEET B.O.C.A. REQUIREMENTS.
  - ON FEBRUARY 8, 1999, THE DRC APPROVED A LIMITED EXEMPTION UNDER SECTION 26-171(B)(1) FOR THIS DEVELOPMENT. (DRC #101981)
  - ON JANUARY 21, 1999, IN CASE NO. 99-183-A, THE ZONING COMMISSIONER OF BALTIMORE COUNTY APPROVED A VARIANCE FOR RELIEF OF SECTIONS 1A04.3.B.2 AND 400.1 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.
  - ON JUNE 23, 2000 THE VARIANCES WERE UPHOLD BY THE BOARD OF APPEALS.
  - THIS SITE IS SERVED BY ON-SITE PRIVATE WELL AND SEPTIC SYSTEM.
  - THE SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
  - THE SITE AND BUILDINGS ARE NOT HISTORIC.
  - ON SITE LOCATIONS OF BUILDINGS AND DRIVEWAYS WERE LOCATED BY FIELD RUN SURVEY (COLBERT MATZ ROSENFELT, JANUARY 2008). OTHER TOPOGRAPHICAL FEATURES ARE BASED ON BALTIMORE COUNTY GIS.
  - THE HEIGHT OF THE SHED SHALL NOT EXCEED 15'.
  - THE HEIGHT OF THE ADDITION SHALL NOT EXCEED 35'.

**Professional Certification**  
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.  
License No. **13203**  
Expiration Date: **11-2-08**

**SPECIAL HEARING REQUEST:**  
TO AMEND THE SITE PLAN APPROVED IN CASE NO. 99-183-A, TO PERMIT  
1. THE DEMOLITION OF AN EXISTING SHED IN THE REAR YARD AND THE CONSTRUCTION OF AN ADDITION TO THE EXISTING RESIDENCE IN PLACE OF THE SHED;  
AND  
2. THE DEMOLITION OF AN EXISTING SHED AND REPLACEMENT IN A PREVIOUSLY APPROVED LOCATION WITH A LARGER SHED IN THE FRONT YARD.

**PLAN TO ACCOMPANY SPECIAL HEARING PETITION**  
SPH-2008-0468  
**11444 GLEN ARM ROAD**  
11TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MD.



**Colbert Matz Rosenfelt, Inc.**  
Engineers • Surveyors • Planners  
2835 Smith Avenue, Suite G  
Baltimore, Maryland 21209  
Telephone: (410) 653-3838  
Facsimile: (410) 653-7953

|   |         |                     |     |                             |
|---|---------|---------------------|-----|-----------------------------|
| 1 | 7/16/08 | REDLINE FOR HEARING | TNW | SCALE: 1"= 30'              |
|   |         |                     |     | DATE: 04/07/08              |
|   |         |                     |     | JOB NO.: 98157              |
|   |         |                     |     | DESIGNED:                   |
|   |         |                     |     | DRAWN: DSL                  |
|   |         |                     |     | CHECKED: JMF                |
|   |         |                     |     | FILE: 98157/SPECIAL HEARING |
|   |         |                     |     | DRAWING NUMBER: SPH-1       |

NO. DATE REVISIONS: BY SHEET 1 OF 1

PETITIONER'S

EXHIBIT NO. **1**

CASE NO. 99-183-A

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 **11th** 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:

- 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:hjs

CASE NO. 99-183-A- BOARD OF APPEALS

Case No. 99-183-A- Viol Dietrich and Vienna Heard

**ORDER**

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

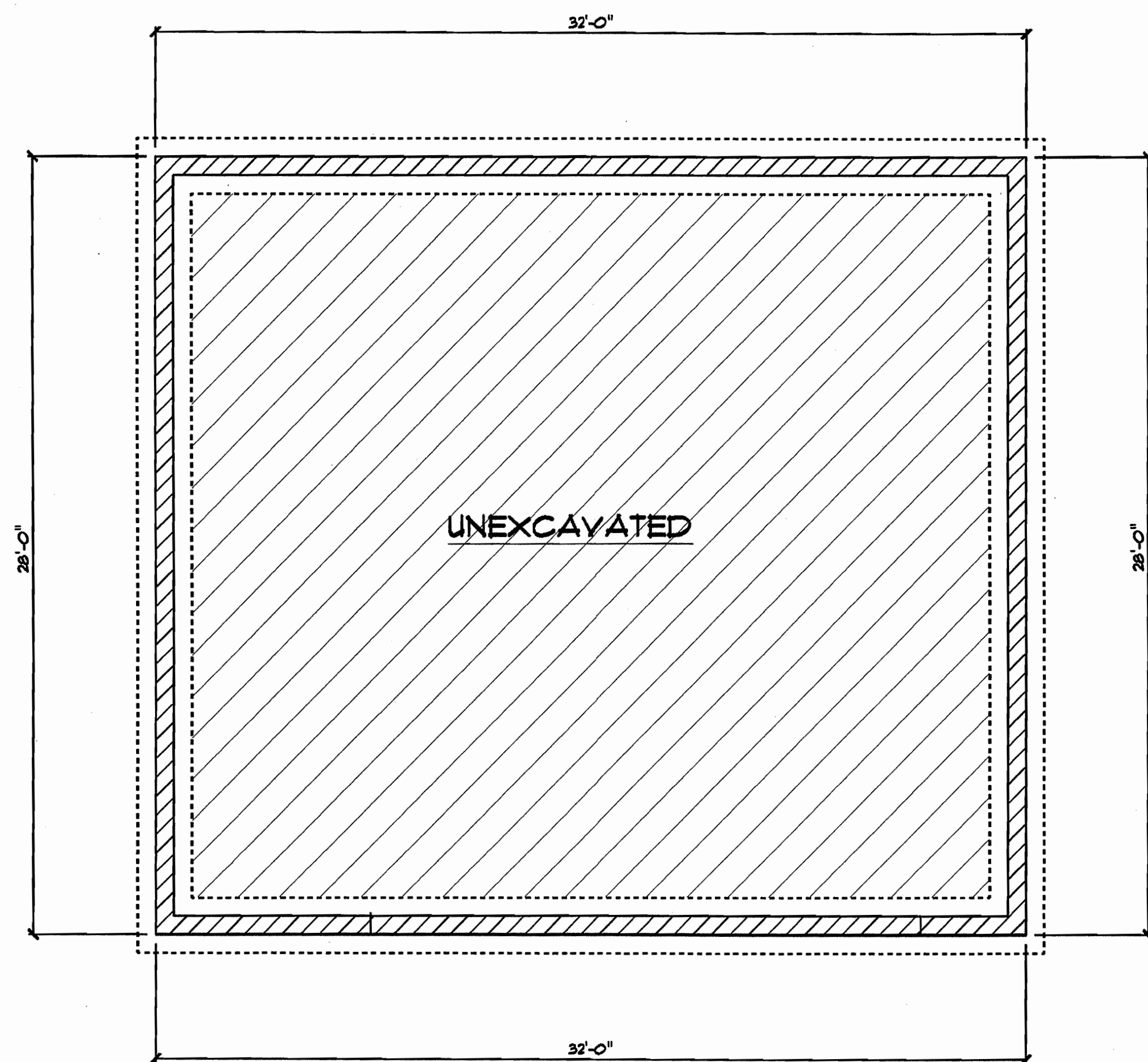
ORDERED that Petitioners' request for variance relief seeking to permit lot line setbacks of 20 feet and 24 feet in lieu of the required 50 feet each be and the same is hereby GRANTED. It is also noted that Petitioners' request for variance relief to allow an existing shed to remain in the front yard 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.

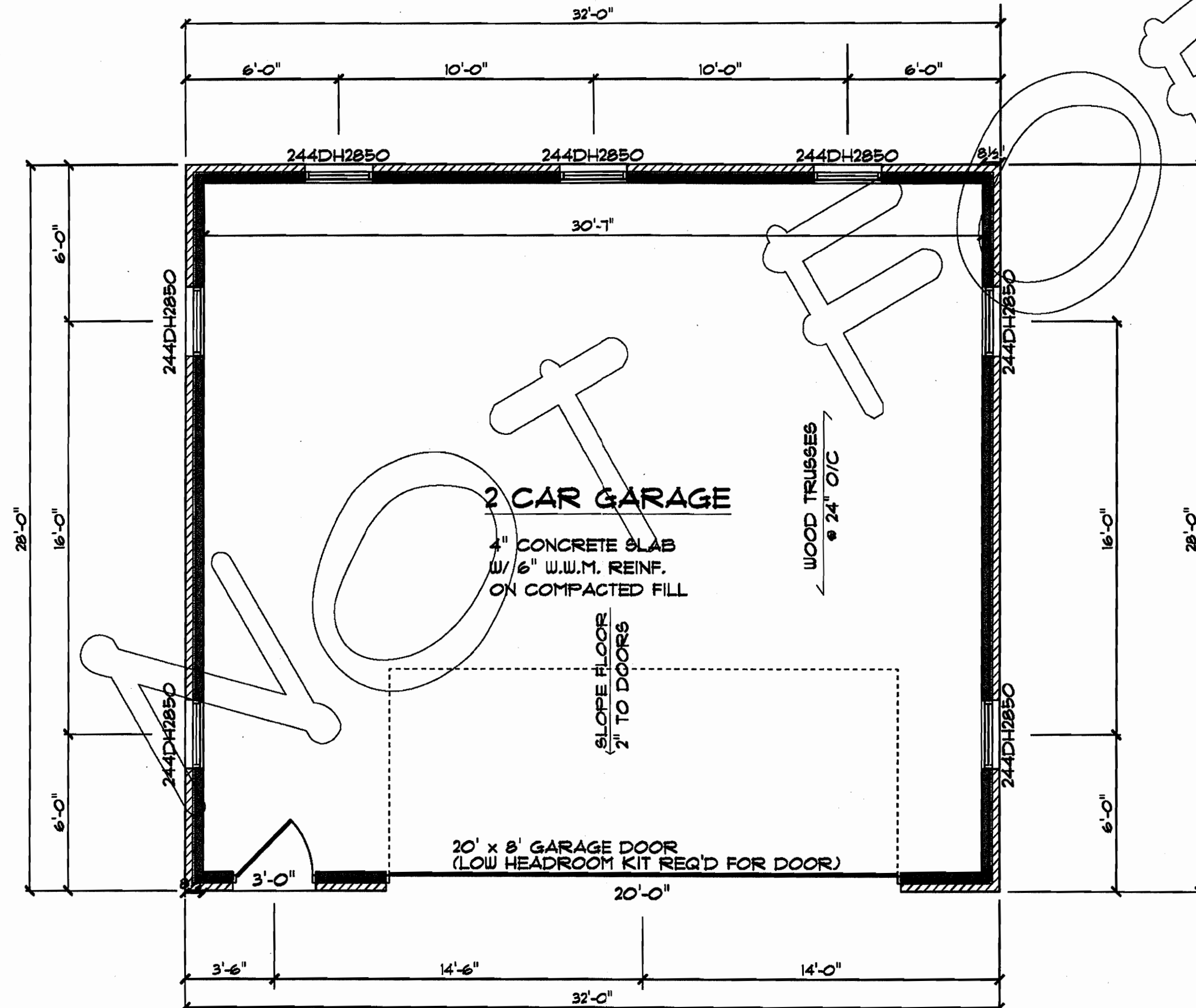
**COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY**  
  
**Lawrence M. Stahl, Chairman**

**Lawrence S. Wescott**  
  
**Margaret Wonnall**





FOUNDATION PLAN - 1/4" = 1'-0"



GARAGE PLAN - 1/4" = 1'-0"

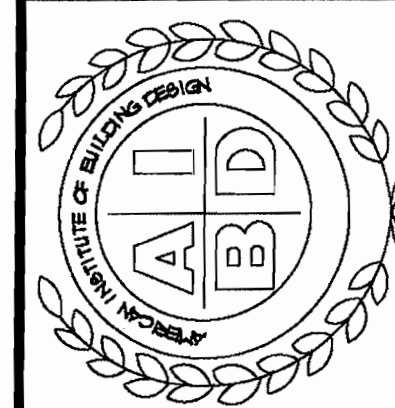
### GENERAL NOTES

- ALL EXTERIOR DIMENSIONS ARE FROM FACE OF SHEATHING TO FACE OF STUD UNLESS NOTED.
- ALL INTERIOR DIMENSIONS ARE FROM FACE OF STUD TO FACE OF STUD UNLESS NOTED.
- ALL MASONRY DIMENSIONS ARE FROM FACE OF MASONRY TO FACE MASONRY UNLESS OTHERWISE NOTED.
- ALL MASONRY ROUGH OPENINGS SHALL BE PROVIDED BY THE CONTRACTOR/ OWNER.
- ALL ANGLES ARE AT 45 DEGREES UNLESS OTHERWISE NOTED.
- THE CONTRACTOR/ OWNER SHALL BE RESPONSIBLE FOR THE VERIFICATION OF ALL DIMENSIONS. USE WRITTEN DIMENSIONS ONLY AND REPORT ANY DISCREPANCY TO THE DESIGNER PRIOR TO THE START OF DEMOLITION AND OR CONSTRUCTION.
- BOTTOM OF FOOTINGS SHALL BE 36" BELOW FINISHED GRADE (UNLESS NOTED OTHERWISE).
- ALL ELECTRICAL, PLUMBING, AND MECHANICAL LAYOUTS, DIAGRAMS, AND PERMITS SHALL BE PROVIDED BY THE RESPECTIVE CONTRACTOR.
- THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY DEVIATIONS FROM THE CONSTRUCTION DOCUMENTS.
- THE DESIGNER SHALL BE NOTIFIED OF ANY MATERIALS SUBSTITUTIONS FOR APPROVAL PRIOR TO THE SHIPMENT OF THE MATERIAL.
- DO NOT SCALE DRAWINGS!! USE WRITTEN DIMENSIONS ONLY!!!

### CONCRETE & MASONRY NOTES

- FOUNDATION CONTRACTOR SHALL CHECK AND VERIFY DIMENSIONS AND ARRANGEMENT IN THE FIELD, PRIOR TO LAYOUT AND/OR INSTALLATION. DISCREPANCIES SHALL BE REPORTED TO ENGINEER FOR CLARIFICATION OR CORRECTION.
- ALL CONCRETE AND REINFORCING SHALL COMPLY WITH ACI AND CRSI REQUIREMENTS, AND NCMA TEK43 AND TEK66, AS WELL AS WITH THE LOCAL BUILDING CODE AND THE MATERIAL REQUIREMENTS OF THIS DRAWING.
- PRIOR TO EXCAVATION, SITE SHALL BE CHECKED AND MARKED BY MISS UTILITY FOR DETERMINATION OF UNDERGROUND INTERFERENCE AND/OR HAZARDS ASSOCIATED WITH EXISTING UTILITIES (PHONE 1-800-251-TITI).
- SOIL BEARING CAPACITY HAS BEEN PRESUMED AT 2500PSF. VERIFICATION OF ACTUAL SOIL BEARING CAPACITY SHALL BE THE RESPONSIBILITY OTHER THAN THAT OF THE STRUCTURAL ENGINEER.
- ANY PROPOSED OR EXISTING FOOTING UNDERCUT BY TRENCHING OR OTHER MEANS SHALL BE PROVIDED WITH RE-SUPPORT BY COMPACTED FILL AND OR CONCRETE AS APPROVED BY A COMPETENT AND LICENSED GEOTECHNICAL ENGINEER.
- COMPACT ALL FILL AND BACKFILL TO 95% OF MAXIMUM DRY DENSITY.
- ALL CONCRETE SHALL BE AS SPECIFIED \* 28 DAYS IN ACCORDANCE WITH ACI.
- ALL SUBGRADE CONCRETE REINFORCING SHALL HAVE 3" MINIMUM CONCRETE COVER SEPARATION FROM SOIL.
- ANY CONCRETE INTENDED FOR EXPOSURE TO WEATHER AND/OR FREEZING SHALL BE AIR ENTRAINED.
- ALL CONCRETE FOOTING BOTTOMS SHALL EXTEND A MINIMUM OF 30" BELOW FINISHED GRADE. FOOTING SHALL BE PROVIDED WITH A DRAIN WHICH CONVEYS WATER TO A BUMP AND/OR TO DAYLIGHT AWAY FROM BUILDING WALLS.
- CONTINUOUS REINFORCING FOR CONCRETE MAY BE LAP-SPLICED 30 DIAMETERS AND SECURELY TIED WITH STEEL WIRE. CONTINUOUS REINFORCING FOR MASONRY MAY BE LAP-SPLICED 30 DIAMETERS AND SEPARATED BY A MINIMUM OF 1/2" PEA-GRAVEL GROUT.
- BASEMENT WALLS SHALL BE REINFORCED HORIZONTALLY WITH DURAWALL WIRE JOINT REINFORCEMENT AT ALTERNATE COURSES (16" O.C. VERTICAL SPACING). BASEMENT WALLS RETAINING MORE THAN 4'-6" SOIL ABOVE BASEMENT FINISHED FLOOR SHALL BE REINFORCED VERTICALLY WITH VERTICAL STEEL REINFORCEMENT AND BENEATH ANY BEAM, POST, OR RAIL BEARING. TOP COURSE SHALL BE SOLID OR PEA-GRAVEL 3000PSI CONCRETE FILLED.
- CMU WALLS SHALL BE REINFORCED HORIZONTALLY WITH DURAWALL GALVANIZED WIRE JOINT REINFORCEMENT AT ALTERNATE COURSES (16" O.C. VERTICAL SPACING). TOP COURSE SHALL BE SOLID OR PEA-GRAVEL 3000PSI CONCRETE FILLED.
- ALL CMU CELLS BENEATH BEAM BEARINGS AND 8" EITHER SIDE OF BEAM CENTERLINE SHALL BE REINFORCED AND PEA-GRAVEL GROUT FILLED EQUAL TO THAT SPECIFIED FOR THE CMU WALL IN GENERAL.
- ALL CMU CELLS BENEATH JOIST BEARINGS AND 8" EITHER SIDE OF JOIST CENTERLINE SHALL BE PEA-GRAVEL GROUT FILLED TWO COURSES BENEATH BEARING.
- ALL DEFORMED BAR REINFORCING SHALL BE DOMESTIC STEEL.
- CMU SHALL HAVE FM 1500PSI MINIMUM MASONRY MORTAR SHALL BE S-TYPE IN ACCORDANCE WITH NCMA.
- ANY WOOD IN CONTACT WITH CONCRETE AND/OR MASONRY SHALL BE TREATED TO SATISFACTION OF BUILDING OFFICIAL.
- TOP COURSE OF PERIMETER WALL MAY BE CAPPED WITH POURED CONCRETE AND/OR GROUT AND HAVE AN APPROVED PERIMETER SEAL. BUILDING SILLPLATE ANCHORAGE SHALL BE PROVIDED INTO SOLID AND/OR FILLED FOUNDATION CMU \* MINIMUM 6 FEET ON CENTER AND NO FATHER THAN 12" FROM ANY CORNER IN EITHER DIRECTION. ANCHORS MAY BE 1/2" DIA A36 STEEL BOLTS WITH 2" HOOK EMBEDDED MINIMUM 15" INTO SOLID AND/OR FILLED CMU. OR STEEL STRAPS AS APPROVED BY BUILDING OFFICIAL. ALL CMU FILL SHALL BE PEA-GRAVEL CONCRETE.
- ASPHALT-PAPER PROTECTED WEEP HOLES SHALL BE PROVIDED AT BOTTOM OF BASEMENT CMU WALLS.
- PAARGE EXTERIOR OF SUBGRADE CMU WALLS AND WATERPROOF BASEMENT WALLS WITH ASPHALTIC COMPOUND TO 8" ABOVE FINISHED GRADE.
- ALL BACKFILL MATERIAL SHALL BE CLEAN AND FREE OF MATERIAL SUBJECT TO DECOMPOSITION.
- BACKFILL SHALL BE PLACED IN 8" LIFTS AND COMPACTED IN A MANNER THAT DOES NOT DAMAGE THE FOUNDATION WALL AND THE WATERPROOFING AND/OR DAMPROFFING MATERIALS.
- THE GROUND IMMEDIATELY ADJACENT TO THE FOUNDATION SHALL BE SLOPED AWAY FROM THE BUILDING AT A SLOPE OF NOT LESS THAN ONE UNIT VERTICAL IN 20 UNITS HORIZONTAL (5% SLOPE) FOR A MINIMUM DISTANCE OF 10 FEET MEASURED PERPENDICULAR TO THE FACE OF THE WALL OR AN APPROVED ALTERNATE METHOD OF DIVERTING WATER AWAY FROM THE FOUNDATION SHALL BE USED.
- THE PROCEDURE USED TO ESTABLISH THE FINAL GRADE ADJACENT TO THE FOUNDATION SHALL ACCOUNT FOR ALL ADDITIONAL SETTLEMENT OF THE BACKFILL.
- PREPARATION FOR AND PLACEMENT OF CONCRETE, REINFORCING, EXPANSION PROVISIONS, AND CRACK CONTROL SHALL CONFORM WITH ACI STANDARDS.

DAVID M. CROSS, A.I.B.D.  
PROFESSIONAL BUILDING DESIGNER  
1937-B GLEN COVE ROAD  
DARLINGTON, MARYLAND 21034  
PH. 410-836-3621



PROPOSED DETACHED GARAGE:  
**DIETRICH RESIDENCE**  
11444 GLEN ARM ROAD  
GLEN ARM, MARYLAND 21051

|                      |               |
|----------------------|---------------|
| PROGRESS             | PRELIMINARY   |
| NOT FOR CONSTRUCTION | PLANS         |
| DRAWING#             | 08-47         |
| DATE                 | July 16, 2008 |
| DRAWN BY             | DMC           |
| SHEET                | A-2           |
| SHEET TITLE          | ELEVATIONS    |
| 2 OF 2               |               |

CMR: 38157  
7/16/08

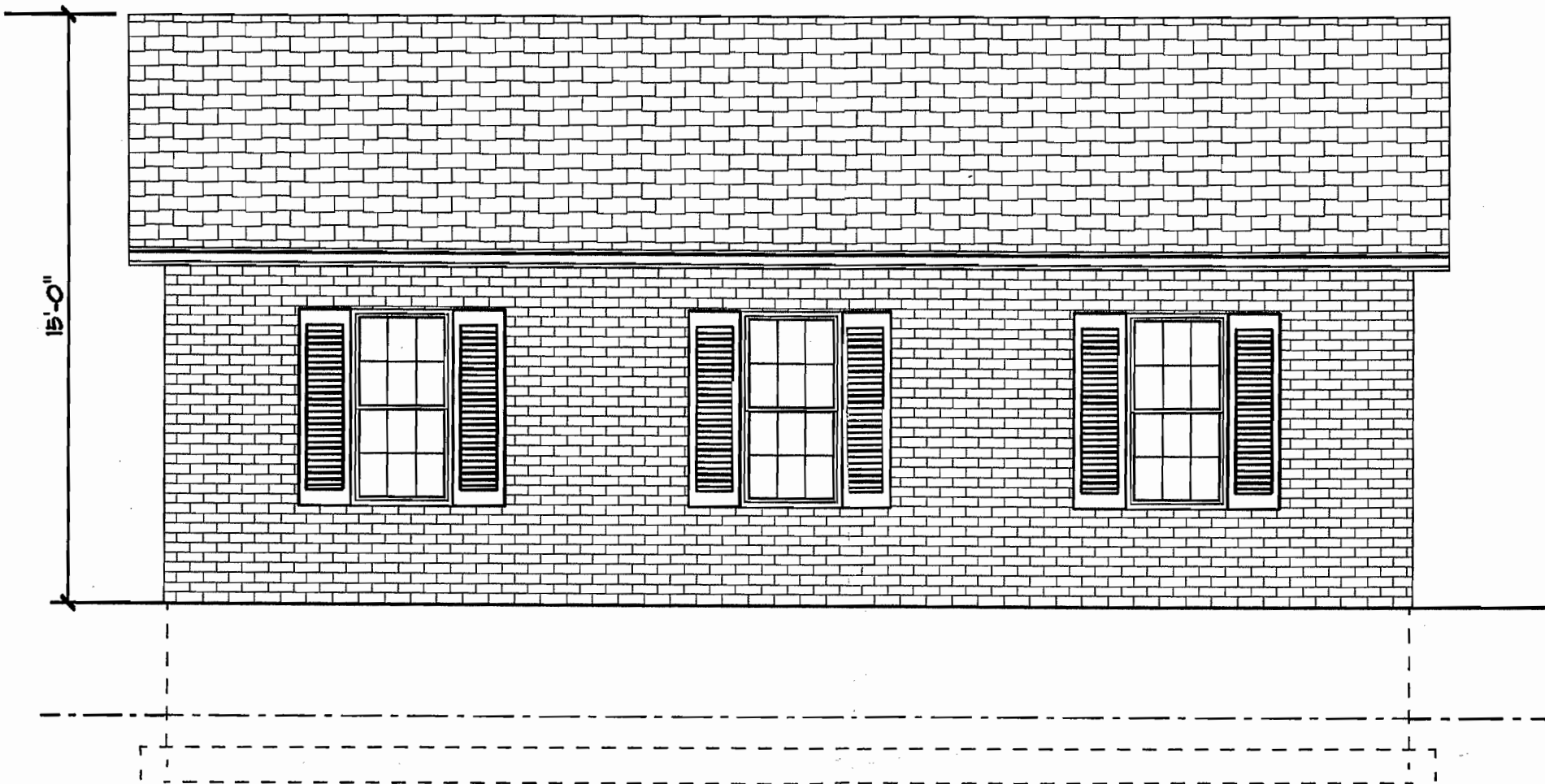


# GENERAL NOTES

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- ALL INTERIOR DIMENSIONS ARE FROM FACE OF STUD TO FACE OF STUD UNLESS NOTED.
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- ALL ANGLES ARE AT 45 DEGREES UNLESS OTHERWISE NOTED.
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- THE DESIGNER SHALL BE NOTIFIED OF ANY MATERIALS SUBSTITUTIONS FOR APPROVAL PRIOR TO THE SHIPMENT OF THE MATERIAL.
- DO NOT SCALE DRAWINGS!!! USE WRITTEN DIMENSIONS ONLY!!!

## DESIGN CRITERIA:

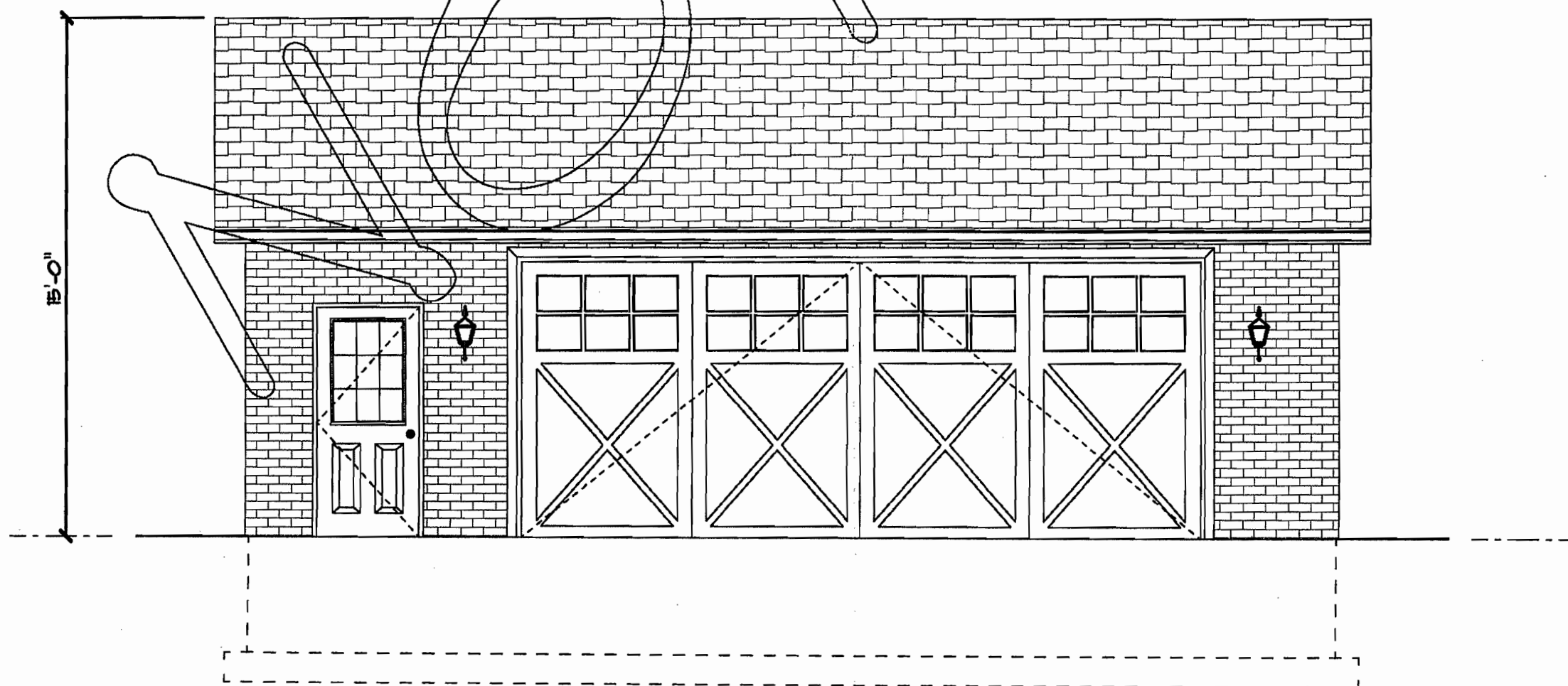
THIS PLAN HAS BEEN DEVELOPED USING THE 2006 INTERNATIONAL RESIDENTIAL CODE (IRC 2006) AND INTERNATIONAL ENERGY CONSERVATION CODE (IECC 2006)



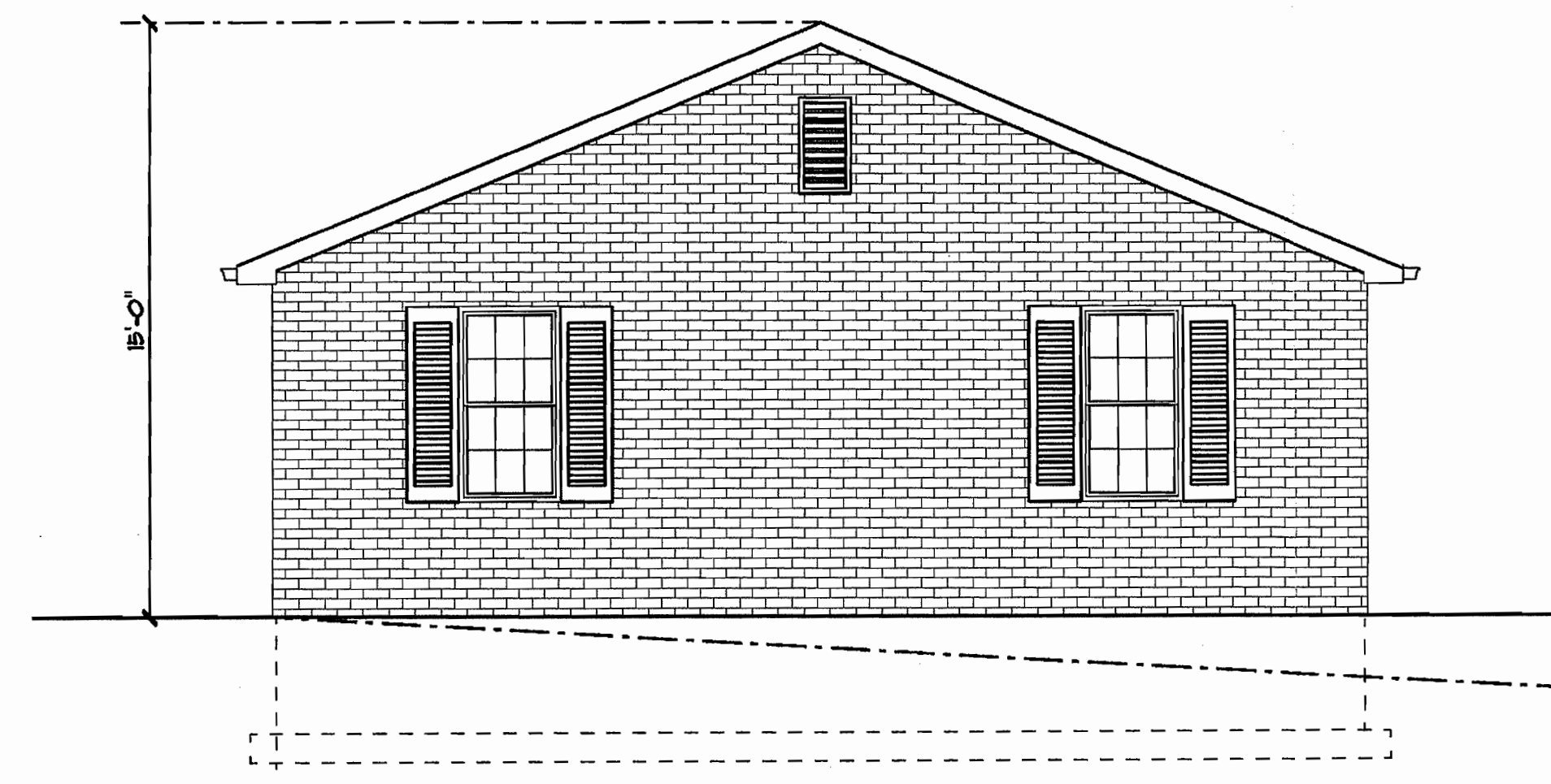
FRONT ELEVATION - 1/4" = 1'-0"  
FACING GLEN ARM ROAD



RIGHT ELEVATION - 1/4" = 1'-0"  
FACING OWNERS HOME

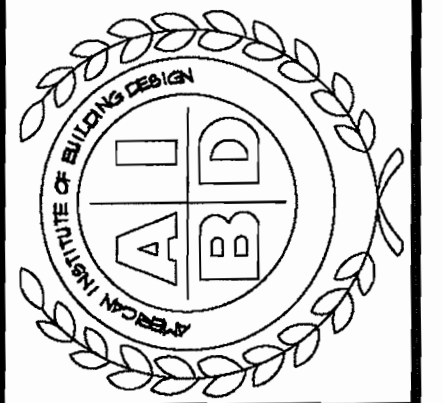


REAR ELEVATION - 1/4" = 1'-0"  
FACING REAR OF OWNERS PROPERTY



LEFT ELEVATION - 1/4" = 1'-0"  
FACING NEIGHBORS PROPERTY

DAVID M. CROSS, A.I.B.D.  
PROFESSIONAL BUILDING DESIGNER  
1937-B GLEN COVE ROAD  
DARLINGTON, MARYLAND 21034  
PH. 410-836-3621



PROPOSED DETACHED GARAGE:  
**DIETRICH RESIDENCE**  
11444 GLEN ARM ROAD  
GLEN ARM, MARYLAND 21057

PROGRESS  
PRELIMINARY  
PLANS  
~NOT FOR CONSTRUCTION~

DRAWING# 08-47

DATE  
July 16, 2008

DRAWN BY  
DMC

SHEET  
**A-1**

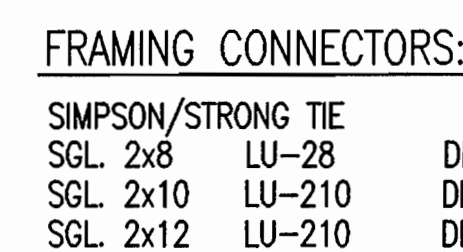
SHEET TITLE  
ELEVATIONS

1 OF 2

PETITIONER'S  
EXHIBIT NO. 5

CMR: 38157

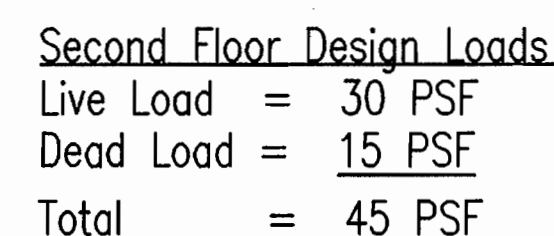




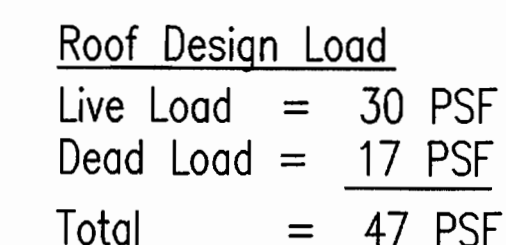
First Floor Design Loads

|           |   |               |
|-----------|---|---------------|
| Live Load | = | 40 PSF        |
| Dead Load | = | <u>15 PSF</u> |
| Total     | = | 55 PSF        |

- a. Framing lumber as specified on the structural drawings shall be K.D.—19% or less— unless noted.
- b. All joists to be doubled under all parallel partitions above.
- c. A minimum lap of 3" shall be used at all bearing wall and beam conditions.
- d. Provide bridging at 8'0" o/c maximum spacing and provide solid bridging and/or blocking at all bearing points.
- e. All studs and/or joists which are cut to install plumbing, electrical, and mechanical shall require metal mending plates by the respective contractor.
- f. Multiple member beams and headers shall be nailed as per the nailing schedule provided.
- g. Flitch plate beams shall be installed as per the details shown in the drawings.



- a. All exterior dimensions are from face of sheathing to face of stud unless noted.
- b. All interior dimensions are from face of stud to face of stud unless noted.
- c. All masonry dimensions are from face of masonry to face masonry unless noted otherwise.  
All masonry rough openings shall be provided by the contractor/owner.
- d. All angles are at 45 degrees unless noted otherwise.
- e. The Contractor/Owner shall be responsible for the verification of all dimensions.  
Use written dimensions only and report any discrepancy to the designer prior to the start of demolition and or construction.
- g. Bottom of footings shall be 36" below finished grade (unless noted otherwise).
- h. All electrical, plumbing, and mechanical layouts, diagrams, and permits shall be provided by the respective contractor.
- i. The Designer shall not be responsible for any deviations from the construction documents.
- j. The Designer shall be notified of any materials substitutions for approval prior to the shipment of the material.
- k. **DO NOT SCALE DRAWINGS!!! USE WRITTEN DIMENSIONS ONLY!!!**

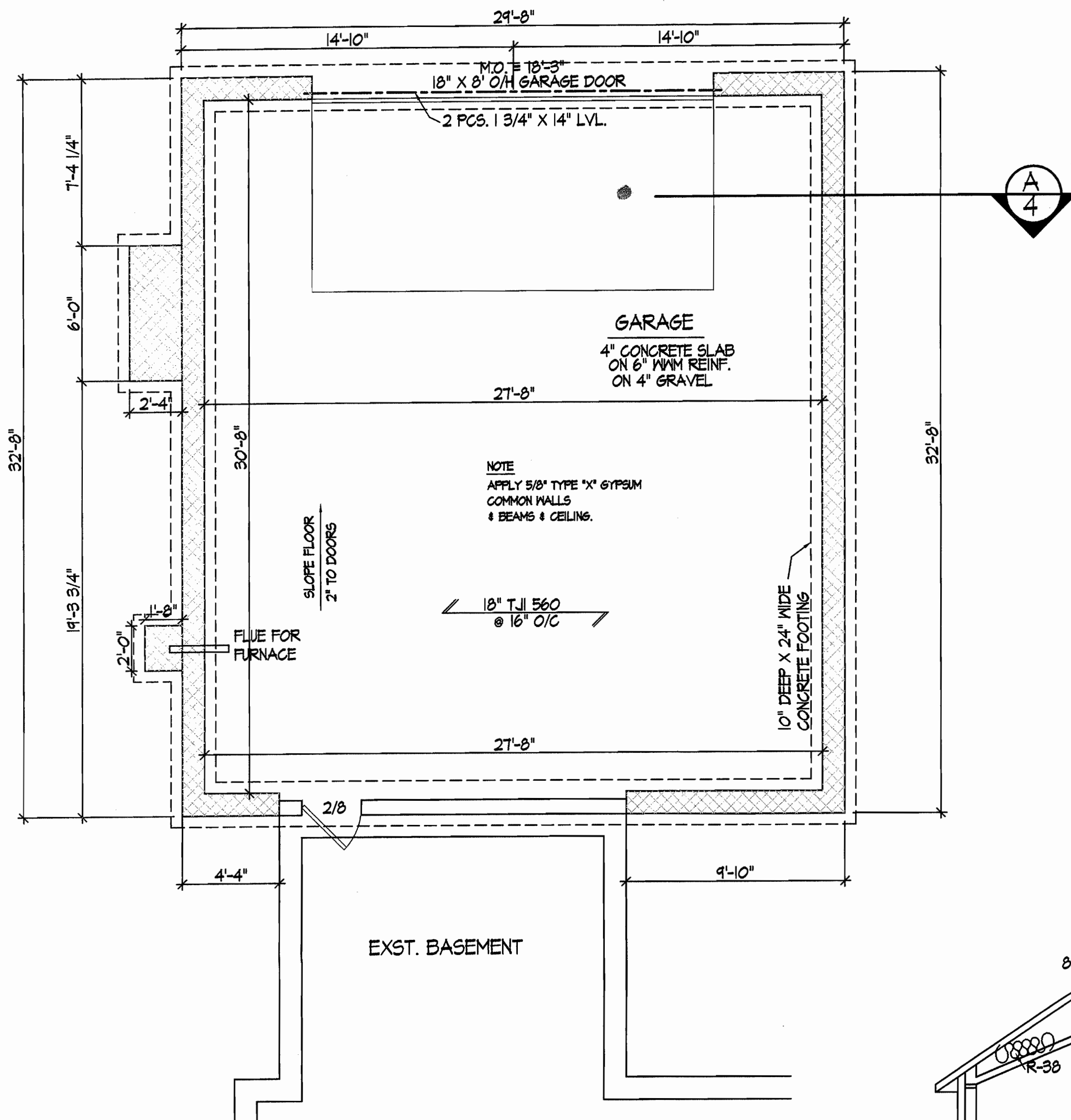


- a. All LVL, GLU-LAM, and PSL products as specified in these drawings shall be installed as per the manufacturers specifications.
- b. Contractor shall obtain a copy of the manufacturers field installation manual or specifications.
- c. All "T" beam joists (ie., TJI, GNL,ASI,etc.) shall be installed as per the manufacturers specifications. Supplier of these products shall provide a joist layout and detail drawing to the contractor.
- d. All wood trusses connected with light gauge metal plates shall be designed and fabricated in shall accordance with the Truss Plate Institute (T.P.I.).
- e. The maximum stress increase for short term loading is 15%.
- f. Shop drawings for each type of truss shall be submitted to te designer for approval prior to mfg.
- g. Shop drawings submitted shall indicate all loading and spacing and shall bear the seal of a registered professional engineer for the state in which the structure is to be built.
- h. Floor and roof trusses shall be braced as per manufacturer and T.P.I. specifications. The truss manufacturer shall provide all handling and bracing info required for the structure.

ADDITION TO  
**DIETRICH RESIDENCE**  
11444 GLEN ARM RD.  
GLEN ARM, MARYLAND 21057

Sheet Title  
**FRAMING PLANS**  
5 of 5





FOUNDATION PLAN 1/4" = 1'0"

| LEGEND |                             |
|--------|-----------------------------|
|        | EXISTING WALL TO REMAIN     |
|        | EXISTING WALL TO BE REMOVED |
|        | NEW WALL                    |

#### GENERAL NOTES

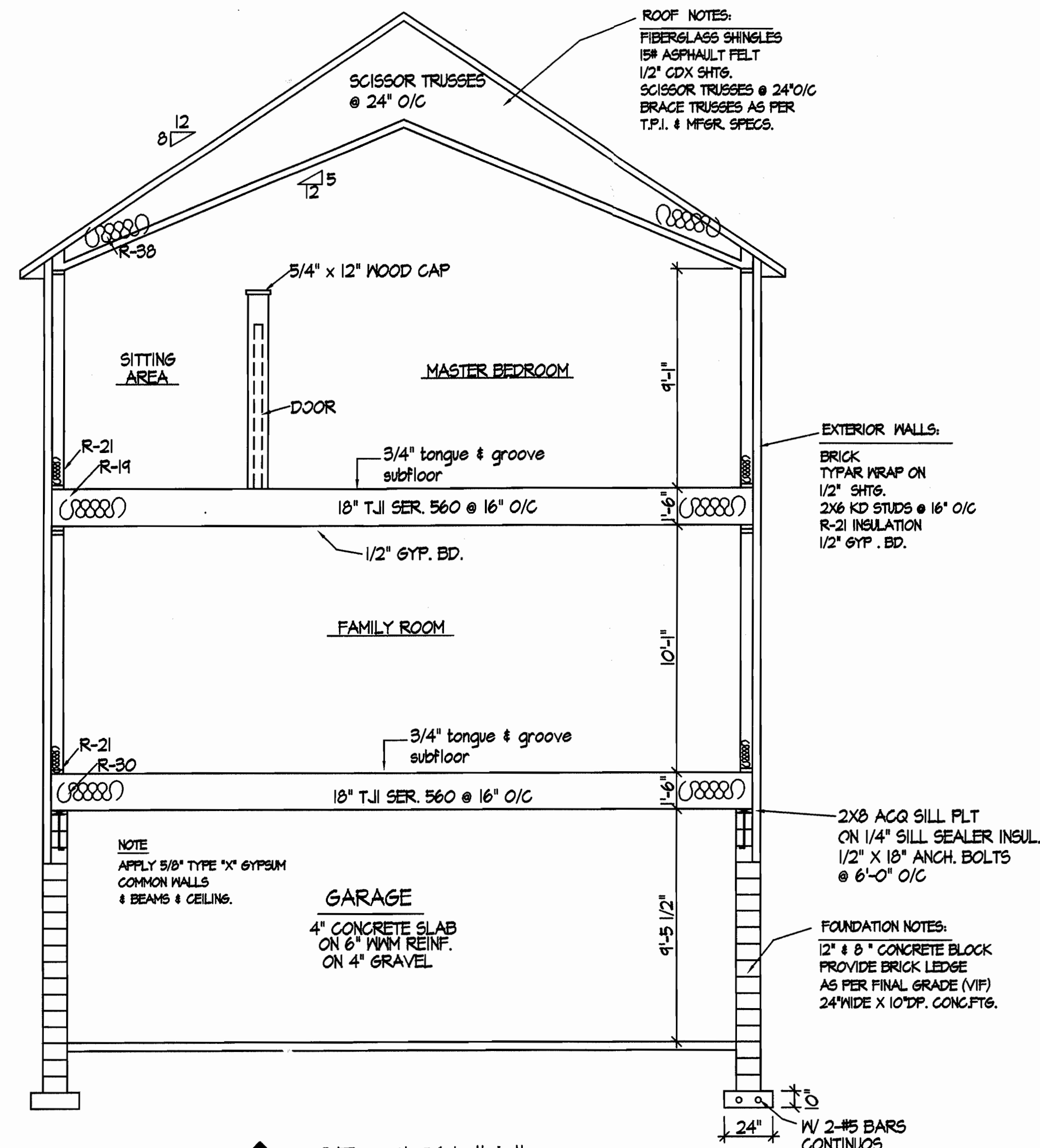
- All exterior dimensions are from face of sheathing to face of stud unless noted.
- All interior dimensions are from face of stud to face of stud unless noted.
- All masonry dimensions are from face of masonry to face of masonry unless noted otherwise.
- All masonry rough openings shall be provided by the contractor/owner.
- All angles are at 45 degrees unless noted otherwise.
- The Contractor/Owner shall be responsible for the verification of all dimensions. Use written dimensions only and report any discrepancy to the designer prior to the start of demolition and/or construction.
- Bottom of footings shall be 36" below finished grade (unless noted otherwise).
- All electrical, plumbing, and mechanical layouts, diagrams, and permits shall be provided by the respective contractor.
- The Designer shall not be responsible for any deviations from the construction documents.
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#### STRUCTURAL LUMBER

- Framing lumber as specified on the structural drawings shall be K.D.-19% or less- unless noted.
- All joists to be doubled under all parallel partitions above.
- A minimum lap of 3" shall be used at all bearing wall and beam conditions.
- Provide bridging at 8'0" o/c maximum spacing and provide solid bridging and/or blocking at all bearing points.
- All studs and/or joists which are cut to install plumbing, electrical, and mechanical shall require metal mending plates by the respective contractor.
- Multiple member beams and headers shall be nailed as per the nailing schedule provided.
- Flitch plate beams shall be installed as per the details shown in the drawings.

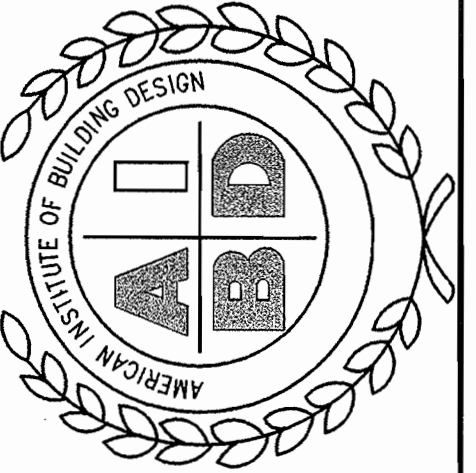
#### CONCRETE & MASONRY NOTES

- Foundation contractor shall check and verify dimensions and arrangement in the field, prior to layout and/or installation. Discrepancies shall be reported to engineer for clarification or correction.
- All concrete and reinforcing shall comply with ACI and CRSI requirements, and NCMA TEK43 and TEK56A, as well as with the local building code and the material requirements of this drawing.
- Prior to excavation, site shall be checked and marked by miss utility for determination of underground interference and/or hazards associated with existing utilities (phone 1-800-257-7777).
- Soil bearing capacity has been presumed at 2500PSF. Verification of actual soil bearing capacity shall be the responsibility other than that of the structural engineer.
- Any proposed or existing footing undercut by trenching or other means shall be provided with resupport by compacted fill and/or concrete as approved by a competent and licensed geotechnical engineer.
- Compact all fill and backfill to 95% of maximum dry density.
- All concrete shall be as specified @ 28 days in accordance with ACI.
- All subgrade concrete reinforcing shall have 3" minimum concrete cover separation from soil.
- Any concrete intended for exposure to weather and/or freezing shall be air entrained.
- All concrete footing bottoms shall extend a minimum of 30" below finished grade. Footing shall be provided with a drain which conveys water to a sump and/or to daylight away from building walls.
- Continuous reinforcing for concrete may be lap-spliced 30 diameters and securely tied with steel wire. Continuous reinforcing for masonry may be lap-spliced 30 diameters and separated by a minimum of 1/2" pea-gravel grout.
- Basement walls shall be reinforced horizontally with durawall wire joint reinforcement at alternate courses (16" O.C. vertical spacing). Basement walls retaining more than 4'-6" soil above basement finished floor shall be reinforced vertically with vertical steel reinforcement and beneath any beam, post, or rail bearing. Top course shall be solid or pea-gravel 3000PSI concrete filled.
- CMU walls shall be reinforced horizontally with durawall galvanized wire joint reinforcement at alternate courses (16" O.C. vertical spacing). Top course shall be solid or pea-gravel 3000PSI concrete filled.
- All CMU cells beneath beam bearings and 8" either side of beam centerline shall be reinforced and pea-gravel grout filled equal to that specified for the CMU wall in general.
- All CMU cells beneath joist bearings and 8" either side of joist centerline shall be pea-gravel grout filled two courses beneath bearing.
- All deformed bar reinforcing shall be domestic steel.
- CMU shall have f'm 1500PSI min. masonry mortar shall be S-type in accordance with NCMA.
- Any wood in contact with concrete and/or masonry shall be treated to satisfaction of building official.
- Top course of perimeter wall may be capped with poured concrete and or grout and have an approved perimeter seal. Building sillplate anchorage shall be provided into solid and/or filled foundation CMU @ min. 6 feet on center and no farther than 12" from any corner in either direction. Anchors may be 1/2" DIA A36 steel bolts w/ 2" hook embedded min. 15" into solid and/or filled CMU; or steel straps as approved by building official. All CMU fill shall be pea-gravel concrete.
- Asphalt-paper protected weep holes shall be provided at bottom of basement CMU walls.
- Parge exterior of subgrade CMU walls and waterproof basement walls with asphaltic compound to 8" above finished grade.
- All backfill material shall be clean and free of material subject to decomposition.
- Backfill shall be placed in 8" lifts and compacted in a manner that does not damage the foundation wall and the waterproofing and/or dampproofing materials.
- The ground immediately adjacent to the foundation shall be sloped away from the building at a slope of not less than one unit vertical in 20 units horizontal (5% slope) for a minimum distance of 10 feet measured perpendicular to the face of the wall or an approved alternate method of diverting water away from the foundation shall be used.
- The procedure used to establish the final grade adjacent to the foundation shall account for all additional settlement of the backfill.
- Preparation for and placement of concrete, reinforcing, expansion provisions, and crack control shall conform with ACI standards.



SECTION "A"  
SCALE: 1/4" = 1'-0"

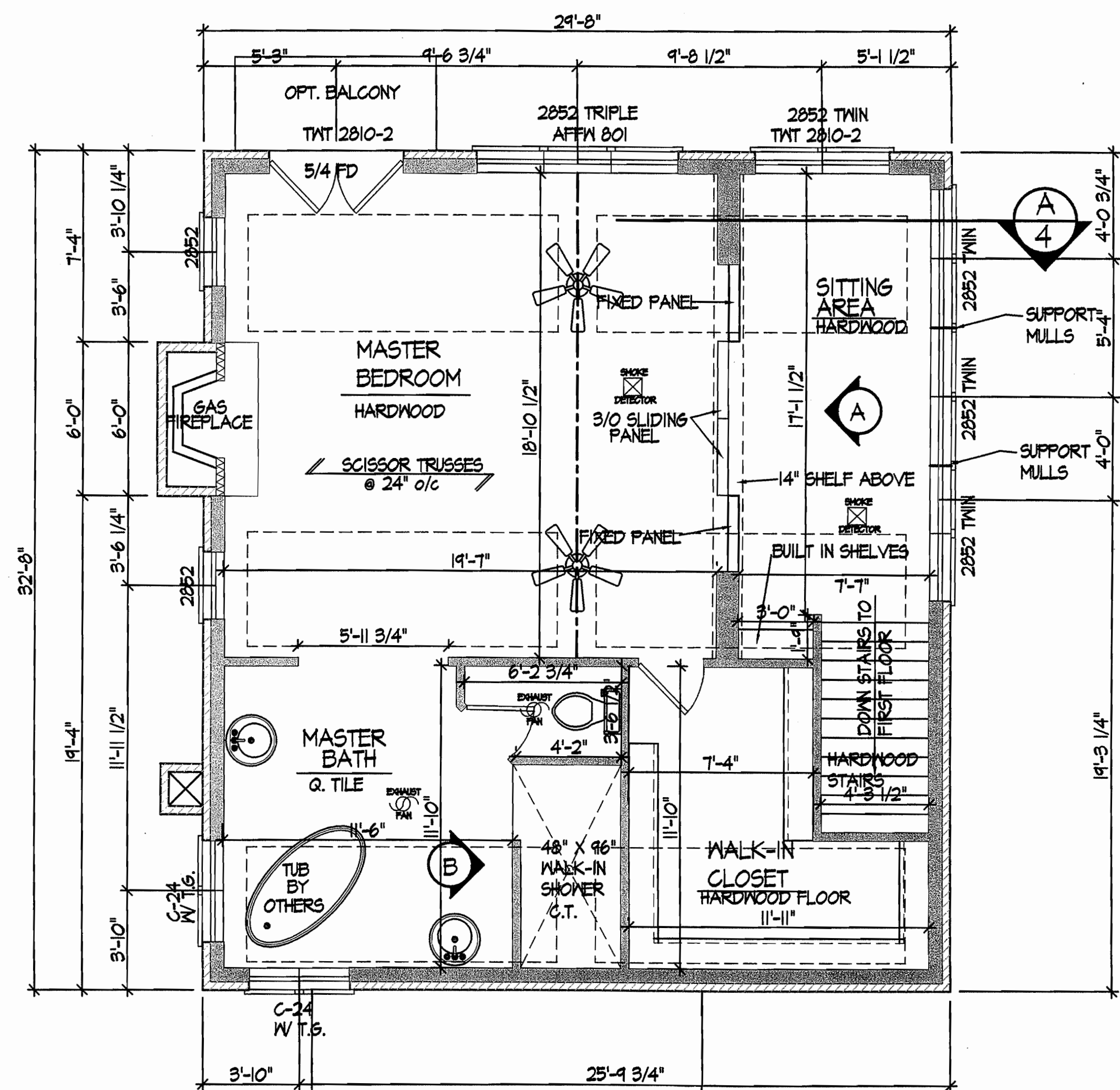
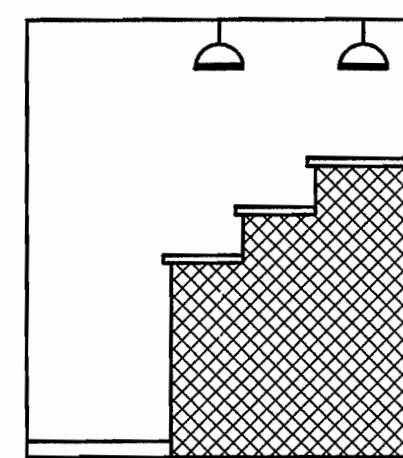
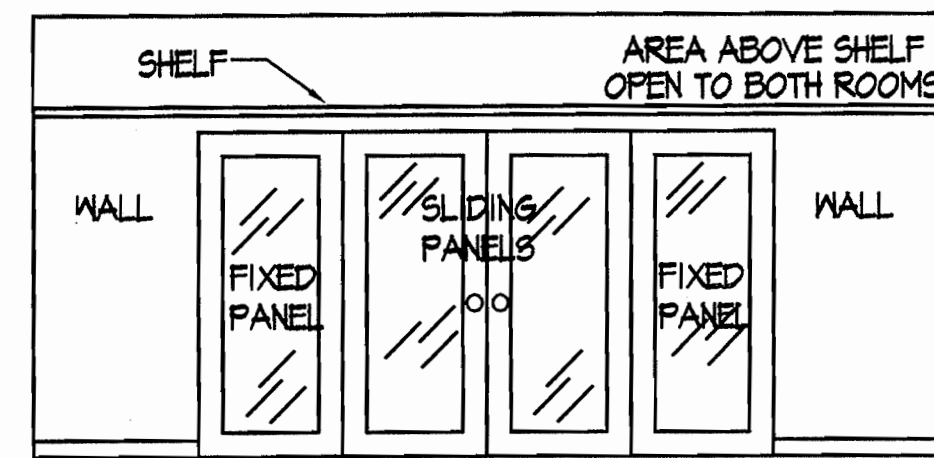
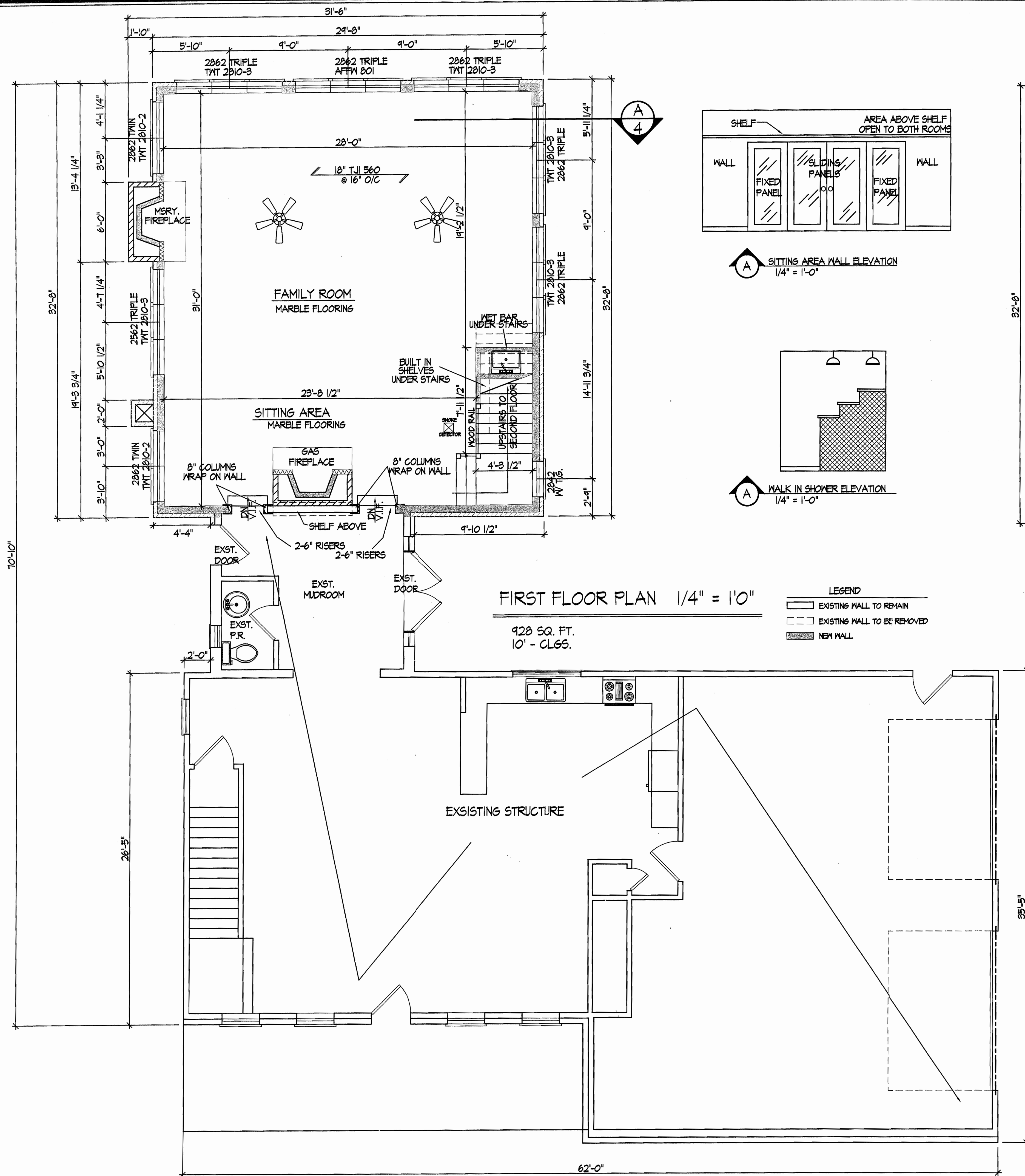
DAVID M. CROSS  
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PH. (410) 836-3621



ADDITION TO  
**DIETRICH RESIDENCE**  
11444 GLEN ARM RD.  
GLEN ARM, MARYLAND 21057

|                                       |               |
|---------------------------------------|---------------|
| Progress                              |               |
| CONSTRUCTION PLAN                     |               |
| Drawing No. 05-114                    |               |
| Date JULY 16 2007                     | Sheet No. A-4 |
| Drawn LMW                             |               |
| Sheet Title FOUNDATION PLAN AND NOTES |               |
| 4 of 5                                |               |

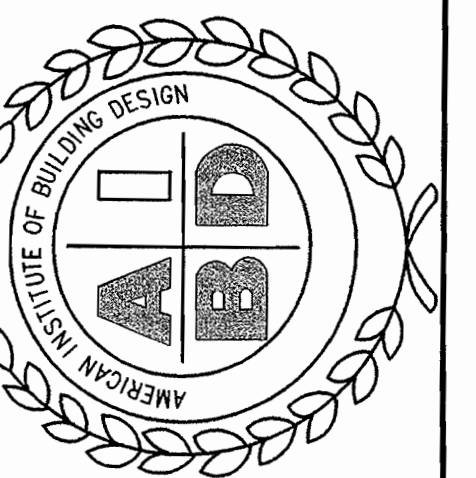




#### GENERAL NOTES

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- All masonry rough openings shall be provided by the contractor/owner.
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- The Contractor/Owner shall be responsible for the verification of all dimensions. Use written dimensions only and report any discrepancy to the designer prior to the start of demolition and or construction.
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ADDITION TO  
**DIETRICH RESIDENCE**  
11444 GLEN ARM R.D.  
GLEN ARM, MARYLAND 21057

Progress  
**CONSTRUCTION PLAN**

Drawing No.  
**05-114**

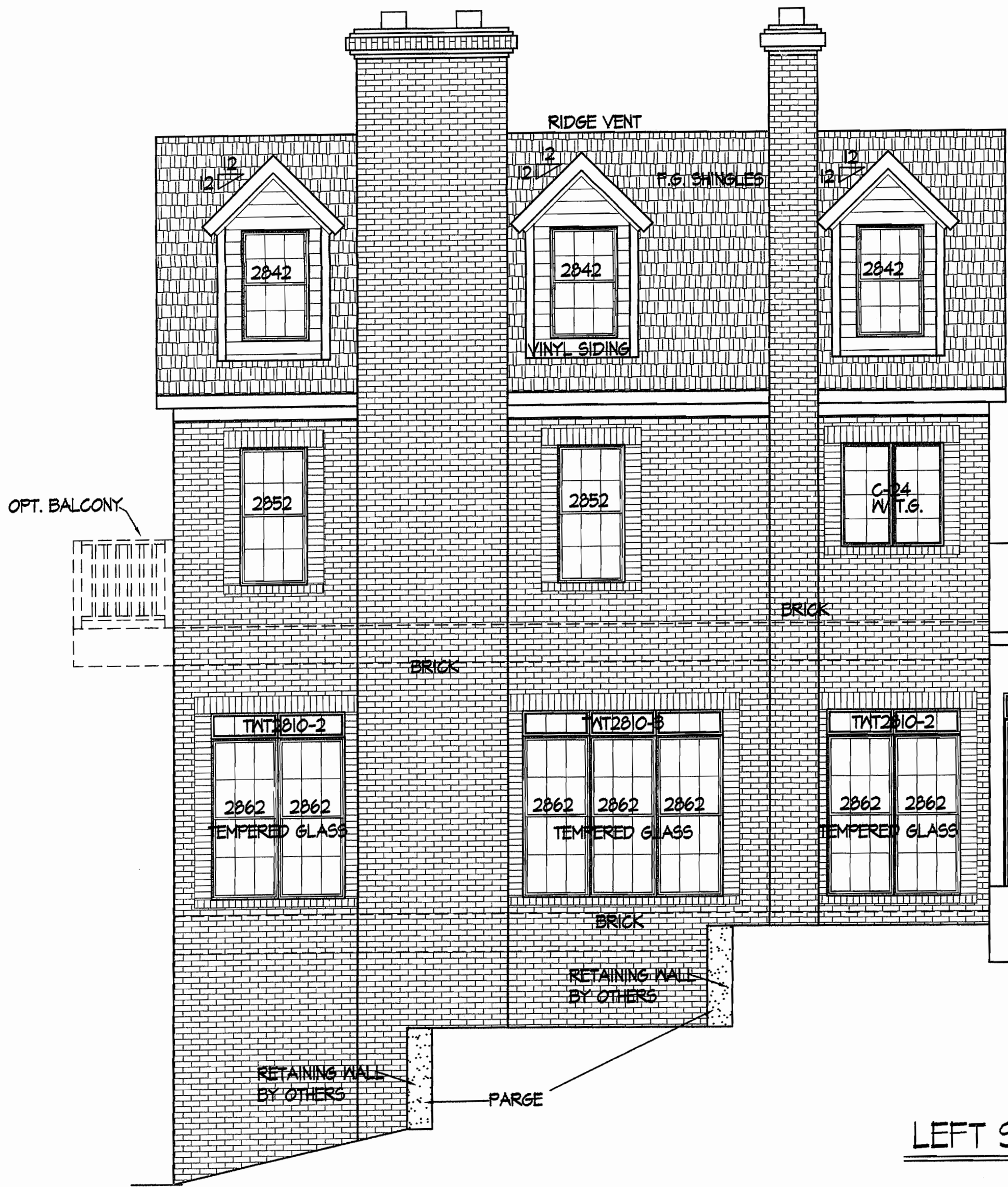
Date  
**JULY 16 2007**  
Drawn  
**L.M.N.**  
Sheet No.  
**A-3**

Sheet Title  
**1ST & 2ND FLOOR PLANS**  
3 of 5

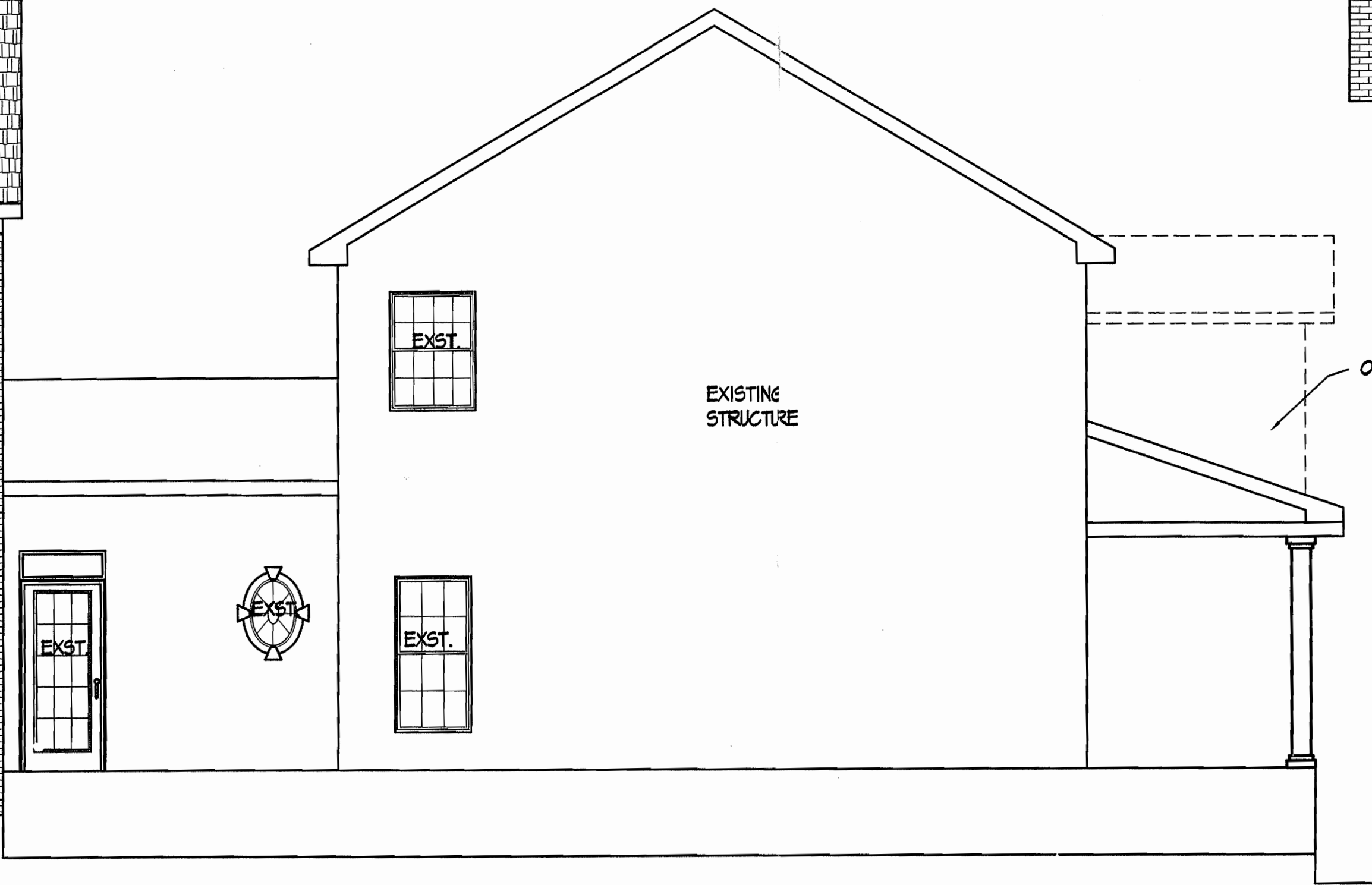


GENERAL NOTES

- a. All exterior dimensions are from face of sheathing to face of stud unless noted.  
b. All interior dimensions are from face of stud to face of stud unless noted.  
c. All masonry dimensions are from face of masonry to face masonry unless noted otherwise.  
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LEFT SIDE ELEVATION 1/4" = 1'0"



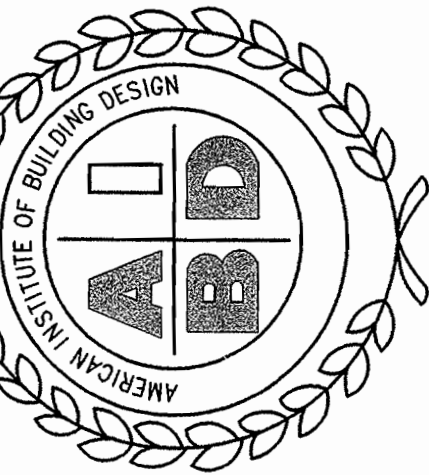
REAR ELEVATION 1/4" = 1'0"



ENGINEERED PRODUCTS

- a. All LVL, GLU-LAM, and PSL products as specified in these drawings shall be installed as per the manufacturers specifications.  
b. Contractor shall obtain a copy of the manufacturers field installation manual or specifications.  
c. All 4" beam joists (ie., TJI, GNLASI, etc.) shall be installed as per the manufacturers specifications. Supplier of these products shall provide a joist layout and detail drawing to the contractor.  
d. All wood trusses connected with light gauge metal plates shall be designed and fabricated in accordance with the Truss Plate Institute (T.P.I.).  
e. The maximum stress increase for short term loading is 15%.  
f. Shop drawings for each type of truss shall be submitted to the designer for approval prior to mfg.  
g. Shop drawings submitted shall indicate all loading and spacing and shall bear the seal of a registered professional engineer for the state in which the structure is to be built.  
h. Floor and roof trusses shall be braced as per manufacturer and T.P.I. specifications. The truss manufacturer shall provide all handling and bracing info required for the structure.

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ADDITION TO  
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11444 GLEN ARM R.D.  
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|                    |           |
|--------------------|-----------|
| Progress           |           |
| CONSTRUCTION PLAN  |           |
| Drawing No. 05-114 |           |
| Date               | Sheet No. |
| JULY 16 2007       | A-2       |
| Drawn LMN          |           |
| Sheet Title        |           |
| ELEVATIONS         |           |



