

2/3/11

RE: PETITION FOR VARIANCE	*	BEFORE THE COUNTY
W/S Sue Grove Road, 2150' of	*	BOARD OF APPEALS
Turkey Point Road	*	FOR
826 Sue Grove Road	*	BALTIMORE COUNTY
15 th Election & 6th Councilmanic Districts	*	Case No. 2011-0120-A
Legal Owner(s): John Edward Hauser, Jr. et al	*	

* * * * *

OPINION

This case comes as a result of Petitioners, John Edward Hauser Jr. et al. seeking zoning approval in the form of a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling addition with a side yard setback of zero (0) feet in lieu of the minimum required ten (10) feet, and a sum of side yard setback (8) feet in lieu of the minimum required twenty-five feet, and a rear yard setback of zero (0) feet in lieu of the required 30 feet. Appearing on behalf of the Petitioners was Fred Hauser, personal representative and son of John Edward Hauser, deceased. Protestant, neighbor Thomas L. Hollensshade was also present along with Thomas A. Church, a professional Engineer.

BACKGROUND

As appears on the site plan, the subject property is an irregularly shaped waterfront parcel located in the west side of Sue Grove Road in eastern Baltimore County. The property is improved with a one-story, single family dwelling, deck, pier extending into the Sue Creek and a 20'-8' wide X 12'-1' deep addition, which is the subject of the instant request for variance relief. John Edward Hauser owned the property since 1986 and built the home in 1997. The addition is elevated at the rear of the existing dwelling and was evidently constructed to provide John Hauser with extra space and a water view of the Sue Creek. John Hauser had been in poor

health and unable to ambulate on his own. Fred Hauser testified that he eventually moved into the home to care for his father and is still residing there after his father's death.

In 2009, the Petitioners decided to construct an addition to expand the bedroom to the size needed to accommodate Fred Hauser's ability to reside with his father as his father's health was rapidly deteriorating. Construction was commenced, including excavation and the pouring of footings, the building of a deck, fabrication of roof trusses, and the enclosing of the structure.

In January of 2010 the Department of Permits and Development Management (DPDM) received written inquiries questioning the deck's enclosure without building permits. Code enforcement officers visited the site on January 29, 2010 and issued a stop work order, informing the Petitioners that building permits would be required before further construction could proceed. Despite the stop work Order, the structure was enclosed. Fred Hauser testified that the structure was enclosed to protect work that had already been done pending approval.

Fred Hauser further testified that since the death of his father, who started this project, he has been left with the aftermath. Mr. Hauser testified that he would like to be permitted to complete the project because he feels it was his father's wish to do so and is also left with the financial burden of possibly having to remove the structure.

Mr. Hauser's neighbor, Mr. Hollenshade testified that he found the addition to be out of place in comparison to the other structures in the area. He further believes that the structure has adversely impacted his property value and impeded the sale of his own property. While, he sympathizes with the Petitioners, he wants the structure to be torn down due to the fact that it is actually encroaching his property line.

DECISION

Baltimore County Zoning Regulations, Section 307.1, in pertinent part, states as follows:

"...(T)he County Board of Appeals, upon appeal, shall have and they are hereby given the power 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...regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare...."

In *McLean v. Soley*, 270 Md. 216 (1973) the court established the following criteria for determining practical difficulty or unreasonable hardship:

- "1) Whether compliance with the strict letter of the restrictions governing various variances would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
- "2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
- "3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured."

Further, in *North v. St. Mary's County*, 99 Md. App. 502 (1994) the Court held that

"...the 'unique' aspect of a variance requirement does not refer to the extent of improvements on the property, or upon neighboring property. 'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls." *Id* at 514

In the Court of Special Appeals in *Cromwell v. Ward*, 102 Md.App. 691 (1995), wherein the Court writes:

...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be

established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. **It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...."** *Id.* at 698.

In requiring a pre-requisite finding of "uniqueness", the Court defined the term and stated:

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.... *Id.* at 710.

Petitioner's Argument

While the Petitioners appeared before this Board pro se, the nature of their legal argument consists of their contention that the circumstances regarding John Hauser's pursuit of this addition were "unique" and that removing the structure at this point would create a "practical difficulty." As stated in *North v. St. Mary's County*, cited above, the concept of "uniqueness" found in *Cromwell* deals specifically with the property itself, not the "uniqueness" of a Petitioner's circumstances. There has been no testimony presented before this Board that would meet the burden annunciated in *Cromwell* by showing that the Petitioners' property was in anyway unique.

While this Board sympathizes with the situation that the Petitioners have inherited due to the passing of John Hauser, this Board is bound to adhere to the principal requirements for granting variance relief found in *Cromwell* which have failed to be established by the Petitioners.

CONCLUSION

This Board is not persuaded that the Petitioners have illustrated the required showing of uniqueness found in *Cromwell v. Ward*, 102 Md.App. 691 (1995), therefore the Petitioners' Request for Variance Relief is **DENIED**.

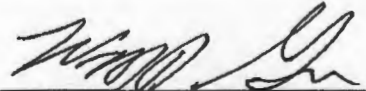
ORDER

THEREFORE, IT IS THIS 3rd day of August, 2011 by the Board of Appeals of Baltimore County

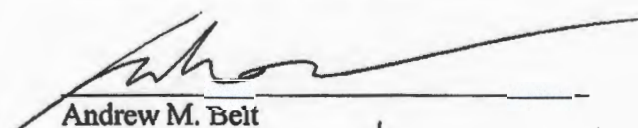
ORDERED that the Petitioner's Request for Variance Relief is hereby **DENIED**.

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*.

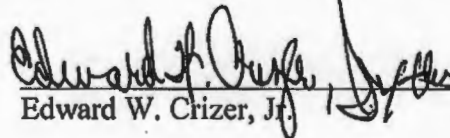
BOARD OF APPEALS
OF BALTIMORE COUNTY



Wendell H. Grier, Panel Chair



Andrew M. Belt



Edward W. Crizer, Jr.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 3, 2011

Fred Hauser, Personal Representative
Estate of John E. Hauser, Jr.
826 Sue Grove Road
Baltimore, MD 21221

Thomas L. Hollensshade
828 Sue Grove Road
Baltimore, MD 21221

RE: *In the Matter of: John E. Hauser, Jr., et al. – Petitioner*
Case No.: 11-120-A

Dear Mr. Hauser and Mr. Hollensshade:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above 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*, **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,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Dorothy Burnette
Geoffrey C. Schultz/McKee & Associates, Inc
Thomas A. Church
Robert Pytrykow
John Sullivan
Office of People's Counsel
Lawrence M. Stahl, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Planning
Nancy C. West, Assistant County Attorney
Michael E. Field, County Attorney
Claude Profili, Code Enforcement Inspector

11/30/10
IN RE: PETITION FOR VARIANCE
W/S Sue Grove Road, 2,150' S of
Turkey Point Road
(826 Sue Grove Road)
15th Election District
6th Council District

John Edward Hauser, Jr., et al
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* Case No. 2011-0120-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, John E. Hauser and Dorothy Burnette.¹ The Petitioners seek variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling addition with a side yard setback of zero (0) feet in lieu of the minimum required ten (10) feet, and a sum of side yards of eight (8) feet in lieu of the minimum required 25 feet, and a rear yard setback of zero (0) feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Fred Hauser, the property owner's son; his friend, Robert Pytrykow, and Geoffrey C. Schultz, President of McKee & Associates, Inc., the consultant who prepared the site plan and is assisting the Petitioners in this matter. Appearing as a Protestant in the matter is the adjacent neighbor, Thomas L. Hollensshade (828 Sue Grove Road), who voiced strong opposition to the Petitioners' request. He presented as experts in land use, Thomas A. Church, a professional engineer, and John

¹ Fred Hauser, the son of John Hauser, appeared at the hearing and informed the undersigned Commissioner that since the filing of the Petition for Variance on September 28, 2010 his father departed this world on October 14, 2010. He stated his father had tasked him with getting this matter resolved and that his father's friend, Dorothy Burnette, has not resided at the property for some time and her whereabouts are unknown.

ORDER RECEIVED FOR FILING

Date

By

11-30-10
123

Sullivan, a former employee with Baltimore County's Department of Permits and Development Management.

An examination of the site plan shows that the subject property is an irregularly shaped waterfront parcel located on the west side of Sue Grove Road directly across from Riverside Drive in eastern Baltimore County. The property is also known as Lot 58 on the residential subdivision known as SUEGROVE, and contains a gross area of 14,000 square feet, or 0.321 acres, more or less, zoned D.R.3.5. The property is improved with a one-story, single-family dwelling, deck, pier extending into the Sue Creek and a 20'-8" wide x 12'-1" deep addition, which is the subject of the instant request. Fred Hauser's father has owned the property since 1986 and built the home in 1997. The addition is actually elevated at the rear of the existing dwelling and was constructed to provide John Hauser with extra bedroom space and a water view of the Sue Creek. He had been in poor health and unable to walk for some time. Fred Hauser stated that he moved into the house to care for his father and is currently residing on the property.

In the fall of 2009, the Petitioners, for the reasons outlined above, decided to construct the addition. In this regard, Mr. Hauser wanted to expand the bedroom to be of sufficient size to accommodate his son's ability to stay with him as his diabetes and inability to walk was rapidly deteriorating. They commenced excavating and pouring footings, building a deck, fabricating roof trusses, and enclosing the structure. Little did the Petitioners realize that the proposed addition would become complicated by Section 1B02.3.C.1 (Chart) of the B.C.Z.R., which outlines the development standards for small lots.

The Petitioners' nightmare began in January 2010 when the Department of Permits and Development Management (DPDM) received written inquiries questioning the deck's enclosure.

without building permits. Code Enforcement Officer Claude Profili visited the site on January 29, 2010 and issued a "stop work order" informing Petitioners that a valid building permit would be required before proceeding. In any event, subsequent to receiving the stop work order, Fred Hauser or his contractor proceeded to enclose the outside of the structure to protect the investment from inclement weather. At this point, the Petitioners had paid substantial sums of money for the addition's construction.

The Petitioner's son now comes before me seeking relief as set forth above to allow completion of the structure. He testified at length as to the practical difficulty and unreasonable hardship he had endured since receiving the stop work order, which has left him in an untenable position. *See* Orders issued in Case No. CO-0072931 by Margaret Z. Ferguson, Baltimore County Hearing Officer, dated April 8 and July 2, 2010 which are incorporated by reference herein.

Mr. Hauser testified that he placed the addition at its present location and at its current height for the reasons indicated above and was not aware of any County or community restrictions that would prevent him from doing so. He submitted photographs and referred to a prior Order in Case No. 97-585-A issued by then Deputy Zoning Commissioner Timothy M. Kotroco allowing for a side yard setback of 4 feet and a finding that the property was unique in a zoning sense. Mr. Schultz indicates that this tends to support his client's contention.

As noted above, Mr. Hollensshade and the Office of Planning, through its Zoning Advisory Committee (ZAC) comment, dated October 19, 2010, are in opposition to the request. Mr. Hollensshade presented photographs (Protestants Exhibit 1A and 1B) and testified that he found the addition offensive and out of rhythm with other structures in the immediate area. This has impacted adversely his property value and severely hindered interest in the sale of his

11-30-10
B3

property that has been on the market since October 2009. He believes that the Petitioners should be required to remove the structure in accordance with the regulations. Mr. Hollenshade believes that the Petitioners are the authors of their own misfortune since they built the structure without obtaining building permits and then failed to stop construction efforts after the stop work order was issued.

Variance relief can be granted only if the requirements contained in Section 307 of the B.C.Z.R. are met. This Section states that the Zoning Commissioner may grant variances;

... 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 of Baltimore County would result in practical difficulty or unreasonable hardship.

Variances are not favored under the law and presumed to be in conflict with the regulations. As stated in *Cromwell v. Ward*, 102 Md. App. 691, 703 (1995):

The general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances.

After due consideration of all of the testimony and evidence presented, I find that the Petitioners property is substantially similar to other properties as to size, shape, topography and water orientation. As such, it does not meet the requirements for a finding of uniqueness (as pertains to the subject addition) as set forth in *Cromwell*. I cannot decide this case based on "extenuating circumstances." Having determined that no uniqueness exists as to the Petitioners' need to build the addition at this particular location on the property, I must therefore deny the variance requested by the Petitioners.

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

ORDER RECEIVED FOR FILING

Date

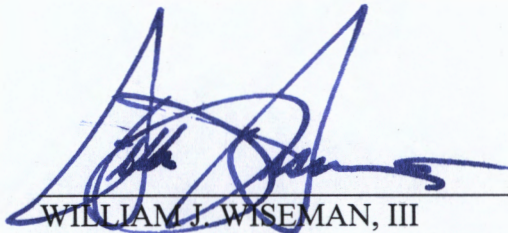
11-30-10

By

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of November 2010 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling addition with a side yard setback of zero (0) feet in lieu of the minimum required ten (10) feet, and a sum of side yards of eight (8) feet in lieu of the minimum required 25 feet, and a rear yard setback of zero (0) feet in lieu of the required 30 feet, in accordance with Petitioners' Exhibit 1, be and is hereby DENIED; and

IT IS FURTHER ORDERED that the Petitioner shall have 90 days from the date of this Order to remove the 21' x 12' addition and deck from the rear of the home so as to be in compliance with the zoning regulations.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

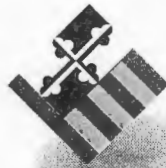
ORDER RECEIVED FOR FILING

Date

11-30-10

By

103



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

November 29, 2010

John Edward Hauser, Jr.
Dorothy Burnette
826 Sue Grove Road
Baltimore, Maryland 21221

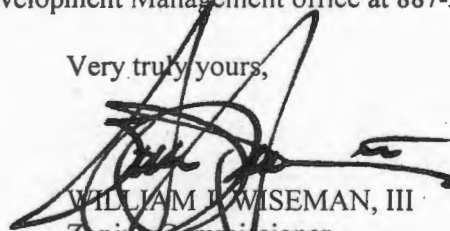
RE: **PETITION FOR VARIANCE**
W/S Sue Grove Road, 2,150' S of Turkey Point Road
(826 Sue Grove Road)
15th Election District - 6th Council District
John Edward Hauser, Jr., et al – Petitioners
Case No. 2011-0120-A

Dear Mr. Hauser and Ms. Burnette:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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: Fred Hauser, 826 Sue Grove Road, Baltimore, Maryland 21221
Robert Pytrykow, 507 C Bowleys Quarters, Baltimore, MD 21220
Geoffrey C. Schultz, President, McKee & Associates, Inc., 5 Shawan Road,
Hunt Valley, MD 21030
Thomas L. Hollensshade, 828 Sue Grove Road, Baltimore, MD 21221
Thomas A. Church, 6603 York Road, Baltimore, MD 21212
John Sullivan, 641 Straffan Drive, #201, Timonium, MD 21093
Margaret Z. Ferguson, Code Enforcement Hearing Officer, DPDM
Claude Profili, Division of Code Inspections and Enforcement, DPDM
People's Counsel; DEPRM; DPR; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 826 Sue Grove Road

which is presently zoned DR- 3.5

Deed Reference: 7304 / 577 Tax Account # 1513203020

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

1B02.3.C.1, BCZR, to permit an existing dwelling addition with
~~To permit~~ a sideyard setback of 0 feet in lieu of the minimum required 10 feet, and a sum of
sideyards of 8 feet in lieu of the minimum required 25 feet, and a rear yard setback of 0 feet in
lieu of the minimum required 30 feet.

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

To be introduced at the Zoning Hearing.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

John Hauser

Name - Type or Print

Signature

Dorothy Burnette

Name - Type or Print

Signature

826 Sue Grove Rd

Address

Baltimore

City

MD

State

21221

Zip Code

Representative to be Contacted:

Geoffrey C. Schultz c/o McKee & Associates, Inc.

Name

5 Shawan Rd. Suite 1

Address

Cockeysville

City

MD

State

21030

Zip Code

Case No. 2011-0120-A

ORDER RECEIVED FOR FILING

Date

By

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

Date

JNP

9/28/10

ZONING DESCRIPTION
826 SUE GROVE ROAD
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD



[Handwritten signature]
8/23/10

Beginning at a point on the West side of Sue Grove Road at the distance of 2150 feet South
Of the center of Turkey Point Road and being known as Lot 58 of the plat of "SUEGROVE"
As recorded in Plat Book 7 Folio 11.

Containing 0.273 acres of land as recorded in Deed Liber 7304 Folio 577.

2011-0120-A

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

No. **59393**

Date: **9/28/2010**

PAID RECEIPT

BUSINESS ACTIVITY TIME INM
 9/29/2010 9/28/2010 14:10:35 2

REC REAS WALKER, TPOC AND
 RECEIPT N 548115 9/28/2010 DFLN

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65.00

Dept 5 520 TOWING VERIFICATION
 CR NO. 059393

Recpt tot \$65.00
 \$65.00 CR 9.28.10 CA
 Baltimore County, Maryland

Total: **65.00**

Rec From: **John Hauser**

For: **Variance - 826 Sue Grove Road**
2011-0120-A (Hauser/Burnette)

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

**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: # 2011-0120-A

826 Sue Grove Road
W/side of Sue Grove Road, 2,150 feet south of
Turkey Point Road

15th Election District - 6th Councilmanic District

Legal Owner(s): John Hauser & Dorothy Burnette

Variance: to permit an existing dwelling addition with a side yard setback of 0 feet in lieu of the minimum required 10 feet and a sum of side yards of 8 feet in lieu of the minimum required 25 feet, and a rear yard setback of 0 feet in lieu of the minimum required 30 feet.

Hearing: Monday, November 22, 2010 at 10:00 a.m. in Room 104, Jefferson Building, 105 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.

11/023 Nov. 4

259752

CERTIFICATE OF PUBLICATION

11/4/2010

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 11/4/2010.

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

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 2011-0120-A

Petitioner/Developer JOHN HAUSER
DOROTHY BURNETTE

Date Of Hearing/Closing: 11/22/10

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 826 SUE GROVE RD

This sign(s) were posted on October 31, 2010

Month, Day, Year

Sincerely,

Martin Ogle 10/31/10
Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411





County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 27, 2011

NOTICE OF DELIBERATION

CASE #: 11-120-A

IN THE MATTER OF: John Hauser (deceased) and
Dorothy Burnette, Legal Owners
826 Sue Grove Road /15th Election District; 6th Councilmanic District

Re: Petition for Variance to permit an existing dwelling addition with a side yard setback of 0 ft ilo min req'd 10 ft, a sum of side yard setbacks of 8 ft ilo min req'd 25 ft, and a rear yard setback of 0 ft ilo the min req'd 30 ft.

11/30/10 Findings of Fact and Conclusion of Law issued by Zoning Commissioner, DENYING requested Variance relief.

Having concluded this matter on 4/27/2011, a public deliberation has been scheduled for the following:

DATE AND TIME : THURSDAY, JUNE 2, 2011 at 9:15 a.m.

LOCATION : Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

**NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS;
HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN
OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A
COPY SENT TO ALL PARTIES.**

Theresa R. Shelton
Administrator

c: Appellant : Fred Hauser, Personal Representative for John E. Hauser

Protestant : Thomas L. Hollenshade

Thomas A. Church
Robert Pytrykow
John Sullivan
Geoffrey C. Schultz, McKee & Associates, Inc

Dorothy Burnette

Office of People's Counsel
Lawrence M. Stahl, Administrative Law Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Acting Director/Office of Planning
Nancy C. West, Assistant County Attorney
Michael E. Field, County Attorney



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

February 16, 2011

NOTICE OF ASSIGNMENT

CASE #: 11-120-A

IN THE MATTER OF: John Hauser (deceased) and
Dorothy Burnette, Legal Owners
826 Sue Grove Road /15th Election District; 6th Councilmanic District

Re: Petition for Variance to permit an existing dwelling addition with a side yard setback of 0 ft ilo min req'd 10 ft, a sum of side yard setbacks of 8 ft ilo min req'd 25 ft, and a rear yard setback of 0 ft ilo the min req'd 30 ft.

11/30/10 Findings of Fact and Conclusion of Law issued by Zoning Commissioner, DENYING requested Variance relief.

ASSIGNED FOR: WEDNESDAY, APRIL 27, 2011 AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Appellant : Fred Hauser, Personal Representative for John E. Hauser
Protestant : Thomas L. Hollenshade

Thomas A. Church
Robert Pytrykow
John Sullivan
Geoffrey C. Schultz, McKee & Associates, Inc

Dorothy Burnette

Office of People's Counsel
Lawrence M. Stahl, Administrative Law Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Acting Director/Office of Planning
Nancy C. West, Assistant County Attorney
Michael E. Field, County Attorney

TO: PATUXENT PUBLISHING COMPANY
Issue - Jeffersonian

Please forward billing to:
Fred Hauser
826 Sue Grove Road
Baltimore, MD 21221

410-262-2604

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2011-0120-A

826 Sue Grove Road

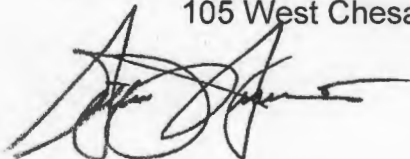
W/side of Sue Grove Road, 2,150 feet south of Turkey Point Road

15th Election District – 6th Councilmanic District

Legal Owners: John Hauser & Dorothy Burnette

Variance to permit an existing dwelling addition with a side yard setback of 0 feet in lieu of the minimum required 10 feet and a sum of side yards of 8 feet in lieu of the minimum required 25 feet, and a rear yard setback of 0 feet in lieu of the minimum required 30 feet.

Hearing: Monday, November 22, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 15, 2010

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2011-0120-A

826 Sue Grove Road

W/side of Sue Grove Road, 2,150 feet south of Turkey Point Road

15th Election District – 6th Councilmanic District

Legal Owners: John Hauser & Dorothy Burnette

Variance to permit an existing dwelling addition with a side yard setback of 0 feet in lieu of the minimum required 10 feet and a sum of side yards of 8 feet in lieu of the minimum required 25 feet, and a rear yard setback of 0 feet in lieu of the minimum required 30 feet.

Hearing: Monday, November 22, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Mr. Hauser, Ms. Burnette, 826 Sue Grove Road, Baltimore 21221
Geoffrey Schultz, 5 Shawan Road, Ste. 1, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY . Nov. 6, 2010

- (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.

**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: 2011-0120-A
Petitioner: JOHN HAUSER / DOROTHY BURNETTE
Address or Location: 826 SUE GROVE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: FRED HAUSER
Address: 826 SUE GROVE ROAD
BALTIMORE, MD 21221
Telephone Number: 410-262-2604



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

November 18, 2010

John Hauser
826 Sue Grove Road
Baltimore, Maryland 21221

Dear Mr Hauser:

RE: 2011-0120-A , 826 Sue Grove Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 28, 2010. 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: rjc
Enclosures

c: People's Counsel
Geoffrey C. Schultz C/O McKee Associates 5 Shawan Road Cockeysville, Md. 21230

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 7, 2010

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For October 18, 2010
Item Nos. 2011- 103, 106, 107, 108,
109, 110, 111, 112, 113, 115, 116,
117, 118, 119, 120, 121 and 122

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

DAK:CEN:cab
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-10182010 -NO COMMENTS.doc

BW 11/22 10 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 19, 2010

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

RECEIVED

SUBJECT: 826 Sue Grove Road

INFORMATION:

OCT 27 2010

Item Number: 11-120

Petitioner: John Hauser

ZONING COMMISSIONER

Zoning: DR 3.5

Requested Action: Variance

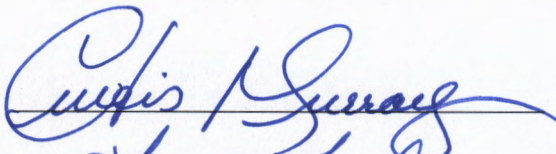
The petitioner requests a variance from Section 1B02.3.c.1 to permit an existing dwelling addition with a side yard setback of 0 feet in lieu of the minimum required 10 feet and a sum of side yards of 8 feet in lieu of the minimum required 25 feet, and rear yard setback of 0 feet in lieu of the minimum required 30 feet.

SUMMARY OF RECOMMENDATIONS:

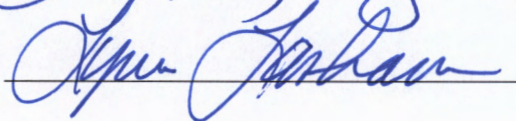
The Office of Planning has reviewed the subject request and recommends that it be denied. The subject addition, which has no side yard setback, was constructed without a permit or the proper review and approval. The lack of side yard setback yields health and safety concerns for the adjacent neighbors and the subject property. There is a pending code violation notice on the subject property.

For further information concerning the matters stated here in, please contact Laurie Hay at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM





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

State Highway
Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: OCT. 15, 2010

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

RE: Baltimore County
Item No. 2011-0120-A
826 SUE GROVE RD
JOHN HANSEN
VARIANCE-

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. 2011-0120-A.

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

Very truly yours,

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb



Baltimore County
Fire Department

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

County Office Building, Room III
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

October 4, 2010

ATTENTION: Kristen Mathews
ZAC Agenda Oct. 18, 2010

The Baltimore County Fire Department has no comments on the following case numbers:

2011-0102-A	Kingston Park La.
2011-0103-SPHA	Harrison Ave.
2011-0106-A	Valleyfield Rd.
2011-0107-SPHA	Emmanuel Ct.
2011-0108-A	Locust Ave.
2011-0110-A	Woodland Dr.
2011-0111-A	Monaghan Ct.
2011-0112-SPHA	Oakleigh Rd.
2011-0113-A	Stoney Batter Rd.
2011-0114-A	New Section Rd.
2011-0115-SPH	Hanover Pike
2011-0116-A	Meandering Dr.
2011-0117-A	Cockeys Mill Rd.
2011-0118-A	Cedarside Dr.
2011-0119-A	Linwood Ave.
2011-0120-A	Sue Grove Rd.
2011-0121	Burnbrae Rd.
2011-0122-A	Mt. Carmel Rd.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

Visit the County's Website at www.baltimorecountyonline.info



Printed with Soybean Ink
on Recycled Paper

BW Bto 11/22 10AM
TB

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy Kotroco

FROM: Paul Dennis, DEPRM

DATE: October 26, 2010

SUBJECT: Zoning Item # 11-120-A
Address 826 Sue Grove Rd. 21221
Hauser, John & Dorothy Burnette Property

RECEIVED

OCT 26 2010

ZONING COMMISSIONER

DEPRM has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. The proposal is to permit an existing waterfront side dwelling addition with a sideyard setback of 0 feet in lieu of the required 10 feet, a sum of sideyard setbacks of 8 feet in lieu of the required 25 feet, and a rear yard setback of 0 feet in lieu of the required 30 feet. With the addition, lot coverage on the property is within the Critical Area requirements. There is no proposed disturbance within the 100-foot tidal buffer. Based on this, DEPRM has determined that adverse impacts on water quality from the pollutants discharged from these structures can be minimized with compliance and mitigation pursuant to Critical Area requirements.
2. The subject development can meet the requirement to conserve fish, wildlife, and plant habitat by bringing the site into compliance with the Critical Area Law.
3. The subject addition is an accessory structure that is permitted under the State-mandated Critical Area regulations provided that the property and its development are in compliance with all Critical Area requirements. The addition is outside the 100-foot tidal buffer and the site is within lot coverage limits. Based on this, the subject development is consistent with established land use policy for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: Paul Dennis

Date: October 18, 2010

RE: PETITION FOR VARIANCE * BEFORE THE
826 Sue Grove Road; W/S Sue Grove Road, * ZONING COMMISSIONER
2,150' S of Turkey Point Road *
15th Election & 6th Councilmanic Districts *
Legal Owner(s): John Hauser * FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 2011-120-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

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

RECEIVED

OCT 12 2010

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of October, 2010, a copy of the foregoing Entry of Appearance was mailed to Geoffrey C. Schultz, McKee & Associates, Inc, 5 Shawan Road, Suite 1, Cockeysville, MD 21030, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

February 10, 2011

John Edward Hauser, Jr.
Dorothy Burnette
826 Sue Grove Road
Baltimore, MD 21221

Dear Mr. Hauser and Ms. Burnette:

RE: Case: 2011-0120-A, 826 Sue Grove Road

Please be advised that an appeal of the above-referenced case was filed in this office on December 21, 2010 by Fred Hauser. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

c: Administrative Law Hearing Office
People's Counsel
Fred Hauser, 826 Sue Grove Rd., Baltimore 21221
Robert Pytrykow, 507 C Bowleys Quarters Road, Baltimore 21220
Geoffrey Schultz, 5 Shawan Rd., Hunt Valley 21030
Thomas Hollensshade, 828 Sue Grove Road, Baltimore 21221
Thomas Church, 6603 York Road, Baltimore 21221
John Sullivan, 641 Straffan Dr., #201, Timonium 21093
Claude Profili, Code Enforcement

DECEMBER 21, 2010.

To the OFFICE of Timothy Kotzko

CASE NUMBER : 2011-0120A

Regarding the two parties:

FRED HAUSER. 826 SWE GROVE RD.

Thomas Hollowshade 828 SWE GROVE RD.

I FRED HAUSER. ON 12/21/2010, HAVE DECIDED.
TO FILE AN APPEAL ON THE COMMISSIONER'S DECISION

Enclosed You will Find A money Order in the
Amount of 225⁰⁰ Dollars for the fee.

Thank You for Your Cooperation, AND HAVE
A Happy Holiday. God Bless,

FRED HAUSER.

826 SWE GROVE RD.

Baltimore Maryland 21221.

INTER-OFFICE MEMO

Date: January 27, 2012

To: Donald Brand
Building Engineer, PAI/Files

From: W. Carl Richards, Jr.
Zoning Supervisor, PAI *WCR*

Subject: 826 Sue Grove Road, Tax # 1513203020, 21221
Zoned DR 3.5, District 15c6

History: Zoning Cases/History

- 97-585-A - 8/14/97 Variance for lot width 58/70 and SYSB 4/10, sum 14/25 & undersize lot granted 3 restrictions – TMK
- 2011-0120-A - 11/30/10 – Sideyard setback (SYSB) 0/10 and sum of sideyards of 8/25, also rear yard setback (RYSB) 0/30 – **DENIED also 90 days to remove 12x21 addition and deck from the rear of the dwelling (17ft. setback is required from the south side property line per Section 1B02.3.C.1 BCZR).**
- 12/21/2010 - Appeal received by Fred Hauser
- 8/3/2011 - Board of Appeal issued order – Variance Denied
- 9/8/2011 - Citation issued for Violations 0294994
- 9/14/2011 - Another citation issued under same case# with an increased fine and early hearing date of 9/28/2011
- 9/28/2011 - Violation hearing held
- 10/3/2011 - Violation order issued requiring total compliance by 11/15/2011

Total zoning compliance would involve removing any part of the addition that extends closer than 17 feet to the south side property line.



Glenn

KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 14, 2012

John E Hauser
c/o John W. Hauser
826 Sue Grove Road
Baltimore MD 21221

Dorothy Burnette
826 Sue Grove Road
Baltimore MD 21221

Re: Scheduling of Hearing for Case # 72931

Dear Mr. Hauser & Ms. Burnette:

Please be advised that a Code Enforcement Hearing has been scheduled for Tuesday, March 13, 2012 at 9:00 a.m. in Room 106 of the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204. This Hearing is based on a civil citation issued with respect to certain violations concerning the above property. It is important that you appear for the hearing and state your side of the case. If you have any questions, please call Building Inspections Inspector, Glenn Berry at 410-887-3953.

Enclosed please find the signed Motion for Hearing.

Sincerely,

June A Fisher
June A Fisher
Hearing Office

C: Glenn Berry: Baltimore County Building Inspections Supervisor
Donald Brand: Baltimore County Building Engineer

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: John Hauser (deceased) and 11-120-A
Dorothy Burnette – Legal Owners

DATE: June 2, 2011

BOARD/PANEL: Wendell H. Grier, Panel Chairman
Andrew M. Belt
Edward W. Crizer, Jr.

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Variance to permit an existing dwelling addition with a side yard setback of 0 feet in lieu of minimum required 10 feet, a sum of side yard setbacks of 8 ft in lieu of min required 25 feet, and a rear yard setback of 0 feet in lieu of the min required 30 feet.
2. Is the property unique pursuant to the conditions set forth in Cromwell vs. Ward?
3. If the property is unique pursuant to the conditions set forth in Cromwell vs. Ward; will failure to grant the Variance present a practical difficulty or unusual hardship on the property owner?

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board discussed that the Petitioners did not have the benefit of having Counsel to explain the requirements for obtaining a Variance, specifically Cromwell. The Board reviewed the evidence and testimony provided which indicated that the owner, John Hauser (deceased) made additions to the existing dwelling without applying to the County for permits.
- The Board discussed that the property does not meet the “uniqueness” standards of Cromwell. Even if the property did meet the “uniqueness” standards, the Board determined that they would not grant a 0 foot setback from a neighbor’s property.
- The Board reviewed the practical difficulty or unusual hardship, which was self-created from failure to apply for the proper permits and approval.
- The Board discussed that at the hearing, a variety of issues were brought up by the Petitioners and Protestants, and both parties requested that the Board provide further

relief. The Board determined that because those issues are not part of the case before us, it is not within the jurisdiction of the Board.

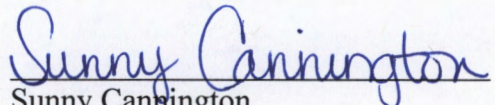
- The Board also discussed that it is up to the County agencies to determine when, what, and how, the existing addition which is in violation should be removed from the existing dwelling.

DECISION BY BOARD MEMBERS: The property does not meet the requirements of Cromwell v. Ward to qualify for a Variance.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the Petition for Variance.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington

Estate Search



State of Maryland Register of Wills

[NEW SEARCH](#)

Estate Record (Baltimore)

[BACK TO SEARCH RESULTS](#)
Estate Number: **000000160917**Status: **OPEN**

Date Closed:

Decedent Name: **JOHN E. HAUSER JR.**Date of Death: **10/14/2010**

Will:

Date of Probate:

Aliases:

Personal Reps: **FREDERICK W HAUSER [826 SUE GROVE RD, BALTIMORE, MD 21221]**

Attorney:

Type: **RE**Date Opened: **11/01/2010**

Reference:

Date of Filing: **11/01/2010**

Date of Will:

Docket History

[Request Documents](#)

Filed On	Docket#	Code	Description
11/01/2010	1	1112	REGULAR ESTATE PETITION FOR PROBATE-JUDICIAL PROBATE
11/01/2010	2	1104	LIST OF INTERESTED PERSONS
11/01/2010	3	1113	NOTICE OF JUDICIAL PROBATE-PUBLICATION
11/01/2010	4	1113	NOTICE OF JUDICIAL PROBATE-HEARING SCHEDULED FOR DECEMBER 15, 2010 AT 11:30 A.M. NOTICE OF JUDICIAL PROBATE ISSUED TO ALL INTERESTED PARTIES BY CERTIFIED MAIL.
11/08/2010	5	1378	CERTIFICATE OF PUBLICATION (REGULAR ESTATE)-JUDICIAL PROBATE
12/15/2010	6	1112	REGULAR ESTATE PETITION FOR PROBATE
12/15/2010	7	1116	NOMINAL BOND OF PERSONAL REPRESENTATIVE
12/15/2010	8	1104	LIST OF INTERESTED PERSONS
12/15/2010	9	1114	NOTICE OF APPOINTMENT, NOTICE TO CREDITORS, NOTICE TO UNKNOWN HEIRS-THE DAILY RECORD
12/15/2010	10	1373	JUDICIAL PROBATE ORDER (DATED 12/15/2010 APPOINTING FREDERICK HAUSER AS PERSONAL REPRESENTATIVE
12/15/2010	11	1301	MINUTES OF HEARING FROM 12/15/10

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.3A)
BALTIMORE COUNTY

Account Identifier:

District - 15 Account Number - 1513203020

Owner Information

Owner Name: HAUSER JOHN Use:
BURNETTE DOROTHY Principal Residence:
Mailing Address: 826 SUE GROVE RD Deed Reference:
BALTIMORE MD 21221-1834

Location & Structure Information

Premises Address Legal Description
826 SUE GROVE RD
WATERFRONT SUE GROVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area
98	15	215					58	3

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area
1997	1,104 SF	10,339.00 SF

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value As Of 01/01/2009	Phase-in Assessments As Of 07/01/2010 As Of 07/01/2011	
Land	162,080	202,080		
Improvements:	118,890	127,830		
Total:	280,970	329,910	313,596	329,910
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price
MARTIN PETER P	09/08/1986	
Type:	Deed1:	Deed
IMPROVED ARMS-LENGTH	17304/ 577	
Seller:	Date:	Price
Type:	Deed1:	Deed
Seller:	Date:	Price
Type:	Deed1:	Deed

Exemption Information

Partial Exempt Assessments	Class	07/01/2010	0
County	000	0	0
State	000	0	0
Municipal	000		

Tax Exempt: NO
Exempt Class:

Special Tax Re
* NONE

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

2011-0120A

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: October 15, 2010

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

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

SUBJECT: Item No.: 2011-0120A
Legal Owner/Petitioner: Hauser, John
Contract Purchaser: N/A
Property Address: 826 Sue Grove Rd.
Location Description: W/side Sue Grove Rd., 2150' S of
Turkey Point Rd.

VIIOLATION INFORMATION: Case No. CO0072931
Defendants: Hauser, John

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

NAME	ADDRESS
Tom Hollensshade	2315 Turkey Point Rd. Baltimore, Md. 21221

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

- X 1. Complaint letter/memo/email/fax (if applicable)
- X 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- X 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- X 8. Photographs including dates taken
- X 9. Correction Notice/Code Violation Notice
- X 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- X 12. Final Order of the Code Official/Hearing Officer (if applicable)
- X 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- X 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

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

AGB/cp
C: Code Enforcement Officer



Permits & Development Management Complaint Report

Report Criteria:
Complaint Record ID: CO0072931

Record ID CO0072931	AS/400 Case	Assigned To Claude Profili	Assigned Date 05/17/2010	Scheduled Time	Received By Nicholette Shelton	Received Date 01/25/2010	Status Open - Normal	Hearing Date 06/30/2010	ADC Grid 38C13
-------------------------------	--------------------	--------------------------------------	------------------------------------	-----------------------	--	------------------------------------	--------------------------------	-----------------------------------	--------------------------

Complaint Description: BUILT A DECK AND IS NOW ENCLOSING IT. NO PERMITS FOUND
05/18/10 - \$2,000 CIVIL PENALTY FEE IMPOSED PER FINAL ORDER, FILE TO CP/KH
7/15/10, LIEN RELEASE OF \$2,000.00 PER MM/CP

Facility: FA0294994 PDM 1513203020 826 SUE GROVE RD ESSEX, MD 21221	Owner : HAUSER JOHN BURNETTE DOROTHY 826 SUE GROVE RD BALTIMORE MD 21221	Complainant: TOM HOLLENSHADE HOME: 4109379895
--	--	--

Daily Activity Details

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0066137	Nicholette Shelton	06/16/2010	REINSPECTION	FACT FINDING	WORK IN PROGRESS

Inspector Notes: 6/16/10 AT HEARING FRED HAUSER STATED THAT HE JUST REC'D SURVEY YESTERDAY EVENING. HE WAS ADVISED TO MOVE FORWARD ON OBTAINING THE PERMIT & MUST RETURN IN TWO WEEKS. VARIANCE PROCESS WAS REVIEWED AND MR.HAUSER STATED THAT HE ALREADY OBTAINED FORMS & WOULD BE GETTING HELP TO COMPLETE. HEARING DATE SET FOR 6/30/10. P/U 6/29/10 C.PROFILI/NS***

Violation Details

Violation Record ID: IV0036103	Comply By: 06/29/2010	Complied On: 09/10/2010	Status: NOT IN COMPLIANCE
Program Category/Section Source: Building Inspection/IBC		Violation Description	IBC Violation
Correction Text:			
Violation Text:			
Violation Comment:			

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0067623	Nicholette Shelton	06/28/2010	INITIAL INSPECTION	NOT IN COMPLIANCE	CITATION ISSUED

Inspector Notes: 6/25/10 RECEIVED LETTER FROM MCKEE & ASSOCIATES INC. PREPARING FOR VARIANCE. P/U REMAINS 6/30/10. C.PROFILI/NS***

Violation Details

Violation Record ID: IV0036831	Comply By: 06/30/2010	Complied On: 09/10/2010	Status: NOT IN COMPLIANCE
Program Category/Section Source: Building Inspection/IBC		Violation Description	IBC Violation
Correction Text:			
Violation Text:			
Violation Comment:			

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0068464	Nicholette Shelton	07/01/2010	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 6/30/10 AT HEARING FRED HAUSER STATED MCKNEE & ASSOC. HAVE BEEN HIRED TO FILE & PREPARE WHATEVER IS NEEDED FOR A VARIANCE. OWNERS TO BE GIVEN MORE TIME FOR COMPLIANCE. CALLED COMPLAINANT & ADVISED OF STATUS. P/U 7/30/10 C.PROFILI/NS***

Violation Details

Violation Record ID: IV0037185	Comply By: 07/30/2010	Complied On: 09/10/2010	Status: NOT IN COMPLIANCE
Program Category/Section Source: Building Inspection/IBC		Violation Description	IBC Violation
Correction Text:			

Permits & Development Management Complaint Report

Report Criteria:
Complaint Record ID: CO0072931

Violation Text:
Violation Comment:

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0073940	Nichollette Shelton	08/11/2010	REINSPECTION	NOT IN COMPLIANCE	MONITOR
Inspector Notes: 8/10/10 SPOKE WITH MR.HAUSER AT HIS HOME ON 7/30/10. HE WOULD NOT OFFER ANY FURTHER INFORMATION, RE:TO THE ADDITION BUILT IN VIOLATION. SPOKE WITH JEFFREY SCHULTZ OF MCKEE & ASSOCIATES, INC. HE STATED THEY HAVE AN APPOINTMENT TO FILE FOR VARIANCE ON 8/23/10 AT 2PM. ADVISED COMPLAINANT OF STATUS. P/U 8/24/10 C.PROFILI/NS***					

Violation Details

Violation Record ID: IV0039879 Comply By: 10/08/2010 Complied On: Status: NOT IN COMPLIANCE
 Program Category/Section Source: Building Inspection/IBC Violation Description IBC Violation
 Correction Text:
 Violation Text:
 Violation Comment:

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0079474	Jake Kemp	09/16/2010	REINSPECTION	NOT IN COMPLIANCE	CORRECTION NOTICE ISSUED
Inspector Notes: 9/16/10 SITE INSP. CONTRACTOR WORKING ON LOOSE DECK RAILS. ELEC. INSP. MADE 9/13/10. CORR. NOTICE ISSUED R.B. (RC 9/27/10), PLUMBING PERMITS NOT FINALED. RON RICE WILL F/U WITH CORR. NOTICE B747310 FOR PAVALLION OBTAINED. JG/GB TO UPDATE COMPLAINANT. P/U 9/21/10 J.KEMP/NS***					

Violation Details - No Data

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0079482	Claude Profili	09/02/2010	REINSPECTION	NOT IN COMPLIANCE	MONITOR
Inspector Notes: 9/2/10 CALLED MCKEE & ASSOC. MR.SCHULTZ STATED THAT ALL FORMS ARE READY TO FILE BUT HAS BEEN UNABLE TO OBTAIN SIGNATURES FROM MR.HAUSER. SPOKE W/FRED HAUSER ON 9/9/10. HE STATED THAT PAPERS WOULD BE SIGNED & FILED TODAY. CHECKED ZONING OFFICE, NO SIGN OF ANY VARIANCE REQUEST FOUND. P/U 9/23/10 C.PROFILI/NS***					

Violation Details - No Data

Serial Number	Inspector	Activity Date	Service	Result	Action
DA0080860	Claude Profili	09/23/2010	REINSPECTION	NOT IN COMPLIANCE	MONITOR
Inspector Notes: 9/23/10 NO ANSWER AT LOCATION. LEFT NOTE ON DOOR. FRED HAUSER CALLED & STATED PAPER WORK WAS SENT BY MAIL. ON 9/28/10 VARIANCE WAS FILED 2011-0120-A. NO HEARING DATE AT THIS TIME. CALLED COMPLAINANT & ADVISED OF STATUS. P/U 10/8/10 C.PROFILI/NS***					

Violation Details - No Data

Permits & Development Management Complaint Report

Report Criteria:
Complaint Record ID: CO0072931

Comment Details

Type	Date	Comments
BUILDING INSPECTIONS	01/29/2010	1/28/10 January 29, 2010 08:30 AM - NSHELTON OBSERVED ADDITION (ON ELEVATED DECK) BEING BUILT AT REAR OF LOCATION W/O PERMIT(S). SERVED NOTICE TO STOP WORK & POSTED COPY ON FRONT WINDOW. ADVISED THAT EXISTING STRUCTURE DOES NOT REQUIRE A PERMIT FOR NEW SHINGLES BUT NO WORK SHOULD BE DONE ON ADDITION UNTIL PERMIT(S) ARE ISSUED. ADVISED COMPLAINANT OF STATUS. P/U 2/11/10 C.PROFILI/NS***
BUILDING INSPECTIONS	02/17/2010	2/12/10 INSPECTION February 17, 2010 08:41 AM - NSHELTON NO PERMITS FOUND AND NO APPLICATIONS FOR VARIANCES FOUND. NO ANSWER AT LOCATION. SPOKE WITH COMPLAINANT. CITATION TO BE ISSUED. P/U 3/24/10 C.PROFILI/NS***
BUILDING INSPECTIONS	03/23/2010	3/22/10 UPDATE March 23, 2010 09:27 AM - NSHELTON FRED HAUSER (CLAIMED TO BE SON OF OWNER JOHN HAUSER) CALLED IN AFTERNOON & REQUESTED POSTPONEMENT OF HEARING STATING HIS FATHER HAS BEEN HOSPITALIZED. WHEN ASKED HE ALSO STATED NO ATTEMPT HAS BEEN MADE TO OBTAIN PERMIT(S). HE WAS ADVISED THAT NOTICE WAS TOO SHORT TO POSTPONE HEARING AND THAT HE WOULD HAVE TO ATTEND HEARING AS SCHEDULED. COMPLAINANT ADVISED OF STATUS. C.PROFILI/NS***
BUILDING INSPECTIONS	03/26/2010	3/24/10 UPDATE March 26, 2010 08:38 AM - NSHELTON FRED HAUSER APPEARED LATE FOR HEARING. MUST SUPPLY DRAWINGS WITHIN ONE WEEK PER G.BERRY. P/U 4/1/10 C.PROFILI/NS***
BUILDING INSPECTIONS	04/05/2010	4/2/10 UPDATE April 05, 2010 09:50 AM - NSHELTON NO RESPONSE FROM OWNER OR OWNERS SON. CASE TO BE SENT TO HEARING OFFICER FOR ORDER. P/U 4/15/10 C.PROFILI/NS***
BUILDING INSPECTIONS	04/12/2010	4/12/10 UPDATE April 12, 2010 11:17 AM - NSHELTON REC'D ORDER FROM HEARING OFFICER. PENALTY IMPOSED \$2000. (REDUCE TO \$200. IF PERMIT APPLIED FOR BY 4/19/10 OBTAINED BY 5/15/10 OR REMOVE ADD). ADVISED COMPLAINANT. P/U 4/21/10 C.PROFILI/NS***
BUILDING INSPECTIONS	04/19/2010	4/16/10 INSPECTION



Permits & Development Management Complaint Report

Report Criteria:
Complaint Record ID: CO0072931

April 19, 2010 01:35 PM - NSHELTON

FRED HAUSER APPEARED AT OFFICE WITH PERMIT APPLICATION & WAS SENT BACK TO ZONING BECAUSE OF SIDE SET BACKS & WAS ADVISED THAT A VARIANCE MUST BE OBTAINED & ALSO HE SHOULD HAVE HIS PROPERTY SURVEYED. CALLED COMPLAINANT & ADVISED OF STATUS. P/U 5/17/10 C.PROFIL/NS***

Lien Information

<u>Lien ID</u>	<u>Lien Type</u>	<u>Lien Disposition</u>	<u>Ticket/GW #:</u>	<u>Lien Date</u>	<u>Lien Amount</u>	<u>Admin Fee</u>	<u>Total Lien Amt</u>	<u>Date Paid</u>	<u>Amount Paid</u>	<u>Release Date</u>	<u>Release Amount</u>
XL0003219	Civil Penalty Fee	Lien released	N/A	05/18/2010	\$ 2,000.00		\$ 0.00			07/19/2010	\$ 2,000.00

Lot # 62 1514651980

Pt. Bk./Folio # 007011B

1519320130
Lot # 82

1514651981

Lot # 61

SUE GROVE RD

820

Pt. Bk./Folio # 007011B

1512000060 Lot # 60

B104878

822

1518471180 Lot # 59

B315330

824

15 ED

4822E4

DR 3.5

Pt. Bk./Folio # 007011B

1513203020

Lot # 58

Pt. Bk. 7, Folio 11

B453470 B453469

826

1523350470

Lot # 57

828

1522450210

Lot # 55

830

1522450210

Lot # 55

Lot # 54

WEST SHORE RD



Baltimore County
Department of Permits and
Development Management

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

0157
15

OFFICE HOURS: 7:00 am - 4:00 pm

Building Inspection: 410-887-3953

Planning Inspection:

410-887-3620

Electrical Inspection:

410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Case No. Co 0074931 Property No. 15-13-2030-20 Zoning 15-13-2030-20

Name(s) John Hauser
Barbara Hauser

Address 826 Sue Grove Rd

Violation Location 826 Sue Grove Rd Balt MD 21221

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

- F
A
0
2
9
4
9
9
4
- Baltimore County Building Code 49-07 105
- International Residential Code 2006
- Building deck and enclosure without permit(s)
- Remove structure or obtain all necessary
- permit(s) and required inspections

Subject to \$500 per 35-2-304 BCC

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

ON OR BEFORE: 1/29/10 DATE ISSUED: 1/29/10

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

Print Name: _____

INSPECTOR: _____

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: 02/11/10 DATE ISSUED: 01/29/10

INSPECTOR: Claude Profile

Rev. 7/09

Claude Profile

AGENCY

Permits and Development Management
Code Inspections and Enforcement
County Office Building, Room 413
111 West Chesapeake Ave.
Towson, Maryland 21204



Code Enforcement 410-887-3351
Building Section 410-887-3953
Electric Section 410-887-3960
Plumbing Inspection 410-887-3620
Signs/Fences 410-887-3896

FA0294994

CODE ENFORCEMENT & INSPECTIONS CITATION Dist 05

CASE NUMBER: CO 0072931 PROPERTY TAX ID: 15 13 203020 ZONE: DR 3.5

NAME(S):

John Hauser

Dorothy Burnett

MAILING ADDRESS:

826 Sue Grove Rd

CITY:

Baltimore

STATE:

MD

ZIP CODE:

21221

VIOLATION ADDRESS:

826 Sue Grove Rd

CITY:

Baltimore

STATE:

MARYLAND

ZIP CODE:

21221

VIOLATION DATES:

6/28/10 and continuing through 05/17/10

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Building Code 49-07 105

International Residential Code 2006 105

Failure to pay a penalty constituting a lien on the

Building addition to rear of structure at

above location without required permit(s)

and inspections

Failure to comply with final order issued

on April 8 2010 as a result of hearing

held on March 24 2010.

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:

\$ 12,000-

A quasi-judicial hearing has been pre-scheduled in room 416, 111 W. Chesapeake Ave, Towson, Maryland, 21204, for: 106

DATE: 06/16/2010

TIME: 9:00 AM

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name:

Claude J. Profili

INSPECTOR SIGNATURE:

Claude J. Profili

Date: 05/18/10

PRINT NAME

AGENCY

PHOTOGRAPHIC RECORD

Citation/Case No.: CO 0072931 826 Sue Grove Rd

Date of Photographs: 03/23/10



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

Claude J. Profitt
Enforcement Officer

Cit

Dat



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

Claude J. Profitt
Enforcement Officer

Cite:

Date:



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

Claude J. Profich
Enforcement Officer

DATE: 02/16/2010

STANDARD ASSESSMENT INQUIRY (1)

TIME: 14:23:05

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 13 203020	15	3-0	34-00	H	NO		01/07/10

HAUSER JOHN

DESC-1.. IMPS

BURNETTE DOROTHY

DESC-2.. SUE GROVE

826 SUE GROVE RD

PREMISE. 00826 SUE GROVE

RD

00000-0000

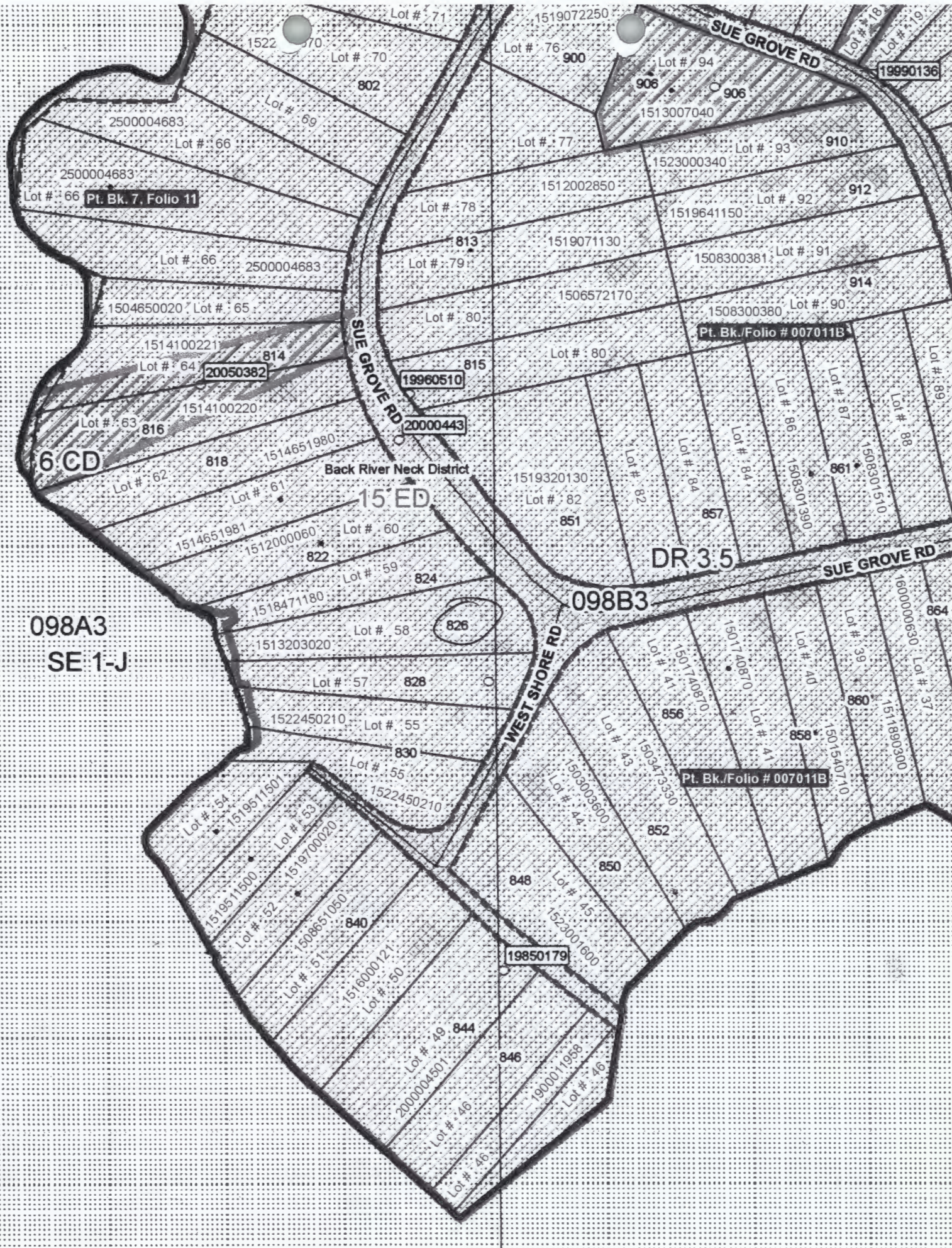
BALTIMORE

MD 21221-1834 FORMER OWNER: MARTIN PETER P

----- FCV -----		----- PHASED IN -----				
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	162,080	202,080		FCV	ASSESS	ASSESS
IMPV:	118,890	127,830	TOTAL..	313,596	313,596	297,283
TOTL:	280,970	329,910	PREF...	0	0	0
PREF:	0	0	CURT...	313,596	313,596	297,283
CURT:	280,970	329,910	EXEMPT.		0	0
DATE:	08/05	07/08				

----	TAXABLE BASIS	----	FM DATE
	ASSESS:	313,596	08/20/09
	ASSESS:	297,283	
	ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF



Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 72931

John Hauser
Dorothy Burnette

826 Sue Grove Road

Respondents

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER**

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 24, 2010, for a Hearing on a citation for violations of the Baltimore County Building Code (BCBC) 49-07 section 105; International Residential Code (IRC) 2006; for building addition to rear of structure without required building permit and inspections on residential property zoned DR 3.5 known as 826 Sue Grove Road, 21221.

On January 23, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Claude Profili issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$4,000.00 (four thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice and Stop Work Order was issued on January 23, 2010 for building a deck and enclosure without permits; remove structure or obtain all necessary permits and required inspections. This Citation was issued on February 16, 2010. Respondent failed to appear for the scheduled Hearing on March 24, 2010. Respondent's son contacted the Department on March 22, 2010 to request a postponement and his request was denied. Respondent and his son appeared after the Hearings had concluded that day, met with the Hearing Officer and were given a one week extension to apply for a permit. On April 2, 2010 the Department submitted this Citation to the Hearing Officer for enforcement because no permit application had been filed.

B. Photographs in the file show an addition partially constructed on the rear of this residential property. The addition is fully enclosed, with windows, roof and Tyvek wrap on the lower wall. Notes in the file indicate the addition is on a new deck structure. No permits have been requested or issued for the deck or the enclosed addition, and no inspections have been done. This is a waterfront property and a small lot, and to obtain a permit Respondent must satisfy the zoning requirements and environmental regulations that Baltimore County is obligated to enforce.

C. A Baltimore County building permit is required before a person may erect, construct, repair, alter, remodel, remove, or demolish a building or structure. BCC Section 35-2-301. Respondent has improperly constructed this deck and enclosed addition without obtaining the required building permit and inspections. Respondent must either obtain a permit and all required inspections and satisfy all code and zoning requirements, or remove the addition.

D. Respondent has failed to respond to the County's notices and failed to apply for the required permit despite being given an extension of time. Because compliance is the goal of code enforcement, Respondent will be given another opportunity to correct the violation and obtain a reduced penalty. If the violation is not corrected, the full penalty will be imposed and Respondent will be subject to additional Citation for the continued violation.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2000.00 (two thousand dollars).

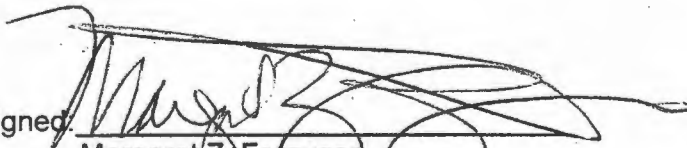
IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if Respondent applies for the required building permit by April 19, 2010, AND if Respondent either obtains required permits and inspections by May 15, 2010, OR removes the illegally constructed addition by May 15, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 8th day of April 2010

Signed


Margaret Z. Ferguson
Baltimore County Hearing Officer

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 72931

John Houser
Dorothy Burnette

826 Sue Grove Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 30, 2010 for a Hearing on a citation for violations under the Baltimore County Building Code (BCBC) 49-07 section 105; International Residential Code (IRC) 2006 section 105: building addition to rear of structure at location without required permit(s) and inspections, failure to comply with Final Order issued April 8, 2010 as result of Hearing held March 24, 2010 regarding residential property zoned known as 826 Sue Grove Road, 21221.

On May 18, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Claude Profili issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$12,000.00 (twelve thousand dollars).

The following persons appeared for the Hearing and testified: Fred Houser, son of Respondents and Claude Profili, Baltimore County Building Inspection Inspector.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice and Stop Work Order was issued on January 23, 2010 for building a deck and enclosure without permits; remove structure or obtain all necessary permits and required inspections. A Citation was issued on February 16, 2010. Respondent failed to appear for the scheduled Hearing on March 24, 2010. Respondent's son contacted the Department on March 22, 2010 to request a postponement and his request was denied. Respondent and his son appeared after the Hearings had concluded that day, met with the Hearing Officer and were given a one week extension to apply for a permit. On April 2, 2010, the Department submitted the Citation to the Hearing Officer for enforcement because no permit application had been filed. A Final Order was issued on April 8, 2010 imposing a civil penalty of \$2,000.00 and, giving Respondent the opportunity to have the penalty reduced to \$200.00 if the required building permits were applied for by April 19, 2010, and if by May 15, 2010, either the required permits and inspections were obtained or the addition was removed. The corrections were not made, and the \$2,000.00 civil penalty was billed to Respondents on May 18, 2010. This Citation was issued on May 18, 2010.

B. Fred Hauser, son of Respondent John Hauser, appeared for this Hearing. He testified that his father is in poor health. He further testified that he is working on obtaining required permits and that he has had a survey done of the property. He further testified that he has retained a professional firm to assist him. He provided a letter from Geoffrey C. Schultz, President of McKee & Associates, Inc., a firm that provides services in engineering, surveying, environmental planning and real estate development. The letter is addressed to Inspector Profili and states, "This letter is to inform you that we have been retained by Mr. Fred Hauser to prepare a zoning plan and package for a setback variance for the above-referenced property and plan to file for the hearing in early July."

C. Photographs in the file show an addition partially constructed on the rear of this residential property. The addition is fully enclosed, with windows, roof and Tyvek wrap on the lower wall. Notes in the file indicate the addition is on a new deck structure. No permits have been requested or issued for the deck or the enclosed addition, and no inspections have been done. This is a waterfront property and a small lot, and to obtain a permit Respondent must satisfy the zoning requirements and environmental regulations that Baltimore County is obligated to enforce.

D. A Baltimore County building permit is required before a person may erect, construct, repair, alter, remodel, remove, or demolish a building or structure. BCC Section 35-2-301. Respondent has improperly constructed this deck and enclosed addition without obtaining the required building permit and inspections. Respondent must either obtain a permit and all required inspections and satisfy all code and zoning requirements, or remove the addition.

E. Because compliance is the goal of code enforcement, and because Mr. Hauser is starting to take the necessary steps to correct the violations, the civil penalty previously imposed will be rescinded, and additional time will be provided to allow for necessary steps in the permit process. However, if Respondents fail to complete the process within a reasonable time as provided below, the full civil penalty will be imposed.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$3,000.00 (three thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$300.00 (three hundred dollars) if the violations are corrected by December 1, 2010, with all required permits and inspections completed OR with the illegally constructed addition removed.

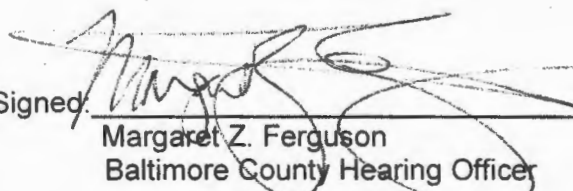
IT IS FURTHER ORDERED that to obtain this reduction, regular progress reports shall be provided to Inspector Profili either by Respondents or by their agent, on a schedule to be directed by Inspector Profili but not less than monthly.

IT IS FURTHER ORDERED that the \$2,000.00 civil penalty imposed by Final Order dated April 8, 2010 is RESCINDED and reduced to zero dollars.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 2nd day of July 2010

Signed: 

Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.

Office of Administrative Hearings of Baltimore County
105 West Chesapeake Avenue Ste 103
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 72931

John Hauser

826 Sue Grove Road

Respondent

MOTION FOR HEARING TO DETERMINE EXTENT OF ILLEGAL ADDITION

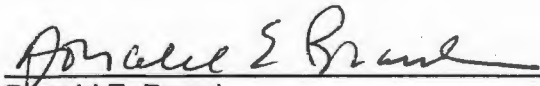
This matter came before the Administrative Law Judge on September 28, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) 2003 section 3-6-401, 402; Baltimore County Building Code (BCBC) section 49-07, 105; International Residential Code (IRC) 2006, failure to comply with Final Orders issued on April 8, 2010, July 2, 2010 and November 30, 2010; failure to remove illegally constructed deck and addition at rear of location on residential property zoned DR 3.5.

The Administrative Law Judge ordered that a civil penalty be imposed in the amount of \$15,000.00 (fifteen thousand dollars), but suspended for a period of 45 days, (no later than November 15, 2011) to allow the property owner some time to work with Baltimore County building officials, to find out how much of the addition must be removed from the house and to make the necessary alterations to bring the property into compliance with all County laws.

Baltimore County building officials met with Fred Warren Hauser, Deceased Respondent's son on or about November 15, 2011 and were unable to come to a resolution as to how much of the addition is illegal and must be removed and, further it is noted that the legal owner of the property in violation is Dorothy Burnette whose whereabouts is apparently unknown and the caption of the order in this matter makes reference to John Hauser who is deceased. It is further noted that John Warren Hauser, was appointed Personal Representative of the Estate of John E. Hause, Jr. on December 15, 2010 and the Estate is open and that a search of the Estates files of the Baltimore County Register of Wills reveals no Estate having been filed or opened for Dorothy Burnette.

Therefore, Baltimore County requests a hearing to determine the extent of the addition which is illegal so that its removal can proceed and to determine the ownership of the property in violation.

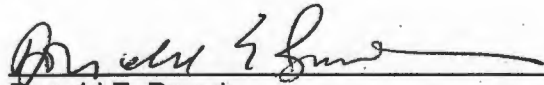
Respectfully submitted.



Donald E. Brand
Building Engineer

Certificate of Service

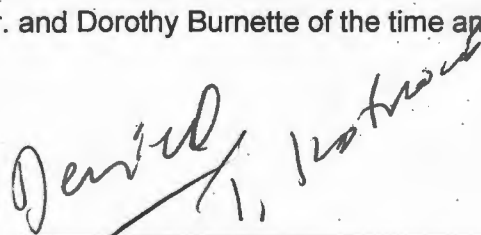
I hereby certify this 29th day of November, 2011, that a copy of the foregoing Motion was mailed, postage prepaid, to John W. Hauser, Personal Representative of the Estate of John E. Hauser, Jr., 826 Sue Grove Road, Baltimore, Maryland 21221 & Dorothy Burnette, 826 Sue Grove Road, Baltimore, Maryland 21221.



Donald E. Brand

ORDER

The undersigned, Administrative Law Judge, grants the request for a hearing and directs the Department of Permits, Approvals & Inspections to notify John Warren Hauser, Personal Representative of the Estate of John E. Hauser, Jr. and Dorothy Burnette of the time and date of the hearing.



Administrative Law Judge

Office of Administrative Hearings of Baltimore County
105 West Chesapeake Avenue Ste 103
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 72931

John Hauser

826 Sue Grove Road

Respondent

MOTION FOR HEARING TO DETERMINE EXTENT OF ILLEGAL ADDITION
AND FOR REMOVAL OF ADDITION

This matter came before the Administrative Law Judge on September 28, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) 2003 section 3-6-401, 402; Baltimore County Building Code (BCBC) section 49-07, 105; International Residential Code (IRC) 2006, failure to comply with Final Orders issued on April 8, 2010, July 2, 2010 and November 30, 2010, failure to remove illegally constructed deck and addition at rear of location on residential property zoned DR 3.5.

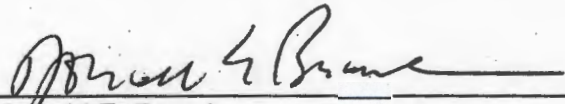
The Administrative Law Judge ordered that a civil penalty be imposed in the amount of \$15,000.00 (fifteen thousand dollars), but suspended for a period of 45 days, (no later than November 15, 2011) to allow the property owner some time to work with Baltimore County building officials, to find out how much of the addition must be removed from the house and to make the necessary alterations to bring the property into compliance with all County laws.

Baltimore County building officials met with Fred Warren Hauser, Deceased Respondent's son on or about November 15, 2011 and were unable to come to a resolution as to how much of the addition is illegal and must be removed and, further it is noted that the legal owner of the property in violation is Dorothy Burnette whose whereabouts is apparently unknown and the caption of the order in this matter makes reference to John Hauser who is deceased. It is further noted that John Warren Hauser, was appointed Personal Representative of the Estate of John E. Hause, Jr. on December 15, 2010 and the Estate is open and that a search of the Estates files of the Baltimore County Register of Wills reveals no Estate having been filed or opened for Dorothy Burnette.

W. Carl Richards, Zoning Supervisor for the Baltimore County Department of Permits, Approvals and Inspections has determined that the addition must be set back seventeen (17) feet from the property line adjoining the adjacent property known as 828 Sue Grove Road, a copy of which is attached as Exhibit A.

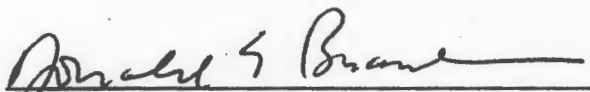
Therefore, Baltimore County requests a hearing to determine the extent of the addition which is illegal, an order for the removal of that portion of the addition to bring the property into compliance in this matter and for such other relief as may be appropriate to bring the property into compliance with County codes and regulations.

Respectfully submitted.


Donald E. Brand
Building Engineer

Certificate of Service

I hereby certify this 27th day of January, 2012, that a copy of the foregoing Motion was mailed, postage prepaid, to John W. Hauser, Personal Representative of the Estate of John E. Hauser, Jr., 826 Sue Grove Road, Baltimore, Maryland 21221 & Dorothy Burnette, 826 Sue Grove Road, Baltimore, Maryland 21221.


Donald E. Brand

ORDER

The undersigned, Administrative Law Judge, grants the request for a hearing and directs the Department of Permits, Approvals & Inspections to notify John Warren Hauser, Personal Representative of the Estate of John E. Hauser, Jr. and Dorothy Burnette of the time and date of the hearing.

Administrative Law Judge

INTER-OFFICE MEMO

Date: January 27, 2012

To: Donald Brand
Building Engineer, PAI/Files

From: W. Carl Richards, Jr.
Zoning Supervisor, PAI *WCR*

Subject: 826 Sue Grove Road, Tax # 1513203020, 21221
Zoned DR 3.5, District 15c6

History: Zoning Cases/History

- 97-585-A - 8/14/97 Variance for lot width 58/70 and SYSB 4/10, sum 14/25 & undersize lot granted 3 restrictions – TMK
- 2011-0120-A - 11/30/10 – Sideyard setback (SYSB) 0/10 and sum of sideyards of 8/25, also rear yard setback (RYSB) 0/30 – **DENIED also 90 days to remove 12x21 addition and deck from the rear of the dwelling (17ft. setback is required from the south side property line per Section 1B02.3.C.1 BCZR).**
- 12/21/2010 - Appeal received by Fred Hauser
- 8/3/2011 - Board of Appeal issued order – Variance Denied
- 9/8/2011 - Citation issued for Violations 0294994
- 9/14/2011 - Another citation issued under same case# with an increased fine and early hearing date of 9/28/2011
- 9/28/2011 - Violation hearing held
- 10/3/2011 - Violation order issued requiring total compliance by 11/15/2011

Total zoning compliance would involve removing any part of the addition that extends closer than 17 feet to the south side property line.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

Notice of Civil Penalty Fee

05/18/2010

HAUSER JOHN
BURNETTE DOROTHY
826 SUE GROVE RD
BALTIMORE, MD 21221

Tax ID #: 1513203020

Premise: 826 SUE GROVE RD
ESSEX, MD 21221

Case #: CO0072931

Facility ID: FA0294994

Complaint Fee ID: XL0003219

Fee Type: Civil Penalty Fee

Fee Amount Due: \$2,000.00

Ticket/GW #: N/A

Administrative Fee:

Fee Date: 05/18/2010

Total Amount Due: \$2,000.00

Dear Property Owner:

The above represents a Civil Penalty Fee imposed by the Hearing Officer, against the real property described as Premise above. If payment is not received within 30 days of the Fee Date above (by 06/17/2010), the Civil Penalty as authorized by the Hearing Officer shall be imposed and placed as a lien upon the property. The lien will be collected in the same manner as taxes. If the lien is not paid within 30 days (by 07/17/2010), interest may accrue at the rate of 1% per month.

For questions regarding the above charge, please call Permits & Development Management / Code Enforcement at 410 887-3351, weekdays between 8 a.m. and 4 p.m.

For payment questions please call 410 887-2404, weekdays between 8 a.m. and 4:30 p.m. Please use the enclosed bill for payment.

Send payments to:

Baltimore County Office of Budget and Finance
400 Washington Avenue, Rm 150
Towson MD 21204

Sincerely,

Mike Mohler
Deputy Director
Department of Permits and Development Management

June 25, 2010

Mr. Claude Profili
Baltimore County Building Inspections
111 West Chesapeake Avenue
Towson, MD 21204

Re: 826 Sue Grove Road

Dear Mr. Profili,

This letter is to inform you that we have been retained by Mr. Fred Hauser to prepare a zoning plan and package for a setback variance for the above-referenced property and plan to file for the hearing in early July. I trust this will sufficiently satisfy you that he is proceeding to secure the required building permit.

We will forward you a case number immediately upon the filing of the zoning petition.

Please call with any questions, and thank you for your help in this matter.

Sincerely,



Geoffrey C. Schultz
President

GCS: lsl

cc: Fred Hauser

INSPECTION RECORD
(INSPECTOR'S COPY)

DATE	INSPECTOR	INSPECTION	COMMENTS
1/25/10			Rec'd Complaint
1/29/10		✓	Observed building in progress, served and posted stop work notice
2/12/10		✓	No answer at location No permit in hand Citation Issued
3/23/10		✓	Photos
* 3/24/10			At hearing, Fred Hauser (son of owner) appeared at office after hearing ended. Compliance extended one week to apply for permit
4/2/10			No response from owner, case sent to hearing officer for order
4/12/10			Penalty imposed \$2,000 - (reduce to \$200 - if permit applied for by 4/19/10 and issued by 5/15/10 or add removed
5/17/10		✓	No change at site. No permit. Penalty imposed
6/15/10		✓	No change at site. No permit
* 6/16/10			Hearing - order to reschedule in 2 weeks
7/2/10			Fred Hauser - letter from McKee + Associates Inc. to prepare zoning plan and package for a set back variance. (plan to file for hearing in early July) (several conditions apply)
8/10/10			Appointment to file for variance 8/23/10
8/12/10			Rec'd copy of site plan



BALTIMORE COUNTY
MARYLAND

LIEN RELEASE NOTIFICATION

TO: Budget and Finance Department
FROM: Department of Permits and Development Management
DATE: 07/19/2010

Owner's Name(s): HAUSER JOHN
BURNETTE DOROTHY

Tax ID #: 1513203020

Premise: 826 SUE GROVE RD
ESSEX, MD 21221

Case #: CO0072931

Facility ID: FA0294994

Complaint Lien ID: XL0003219

Lien Type: Civil Penalty Fee

Lien Date: 05/18/10

Ticket/GW #: N/A

Lien Amount Due: \$2,000.00

Administrative Fee:

Total Amount Due: \$0.00

Amount Released: \$2,000.00

We authorize the release of the lien placed on the above mention property as of today's date.
The release of the lien is due to:

☐ Property ownership was transferred prior to lien being placed

☐ Inspection Error

☐ Hardship

☐ Benefits to county/community (new owner investment)

☒ Extenuating Circumstances (list below)

Harvest Office Orders

☐ Property in Compliance

☐ Ticket Paid

Two Authorized Signatures are required to release lien:

Timothy Kotroco, Director

date

Michael Mohler, Deputy Director

date

Donald T. Rascoe, Deputy Director

date

Fred Homan, County Administrative Officer

date

ROUTING SLIP	
Initial & route to next dept)	
Department	Date
Code Enforcement	
Director's Office	
Administration *	
Finance Office	
Return to Code Enforcement	
Code Enforcement	
Filed in Case File	

CASE NAME 826 SUE GROVE RD
CASE NUMBER 2011-0120-A
DATE NOV. 22, 2010

[illegible]

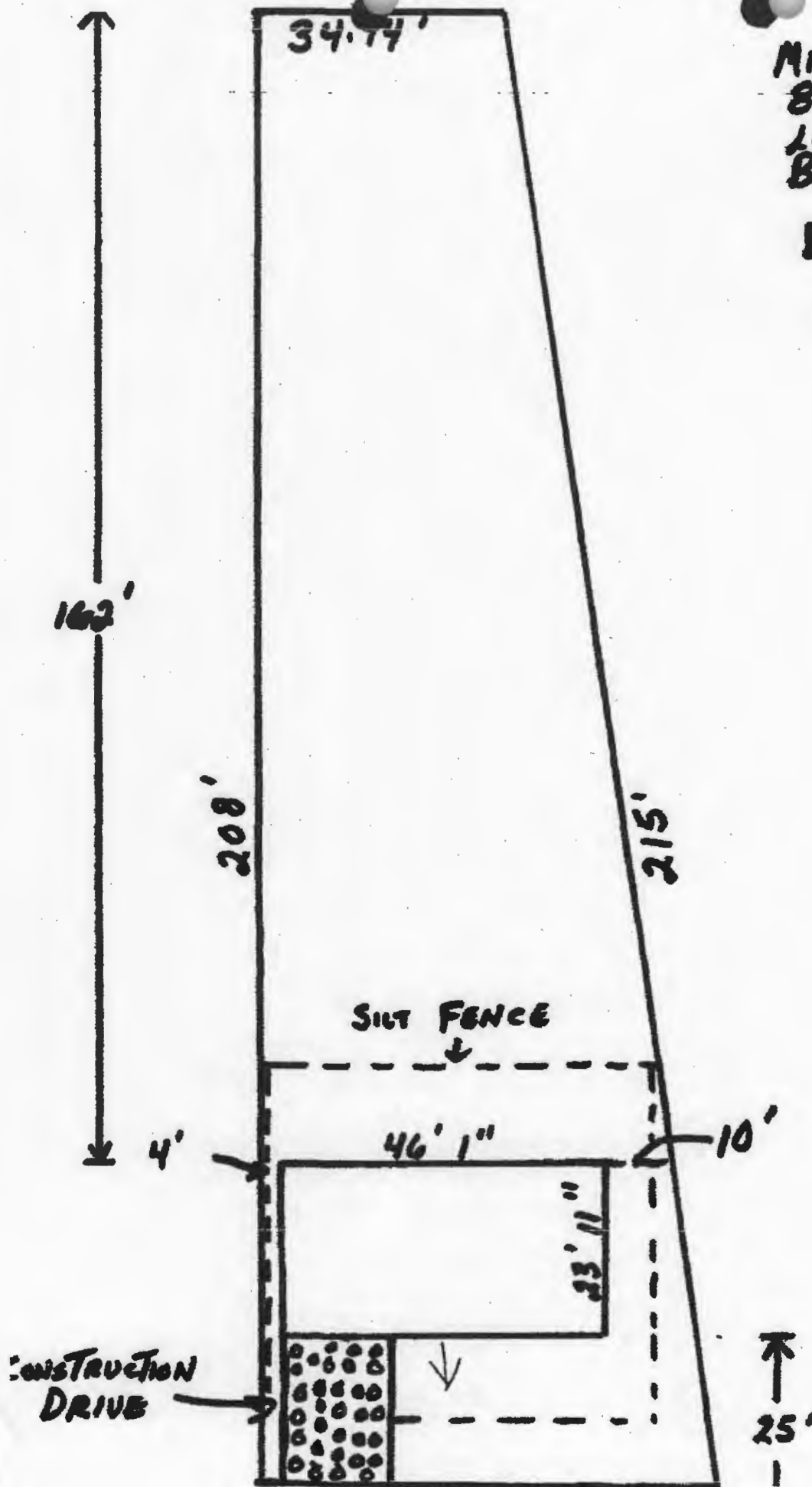
CASE NAME 826 Sue Moore PO.
CASE NUMBER 2011-0120-A
DATE Nov. 27, 2010

[illegible]

MR. JOHN HAUSER
826 SUE GROVE RD
LOT 58
BALTO. MD. 21221

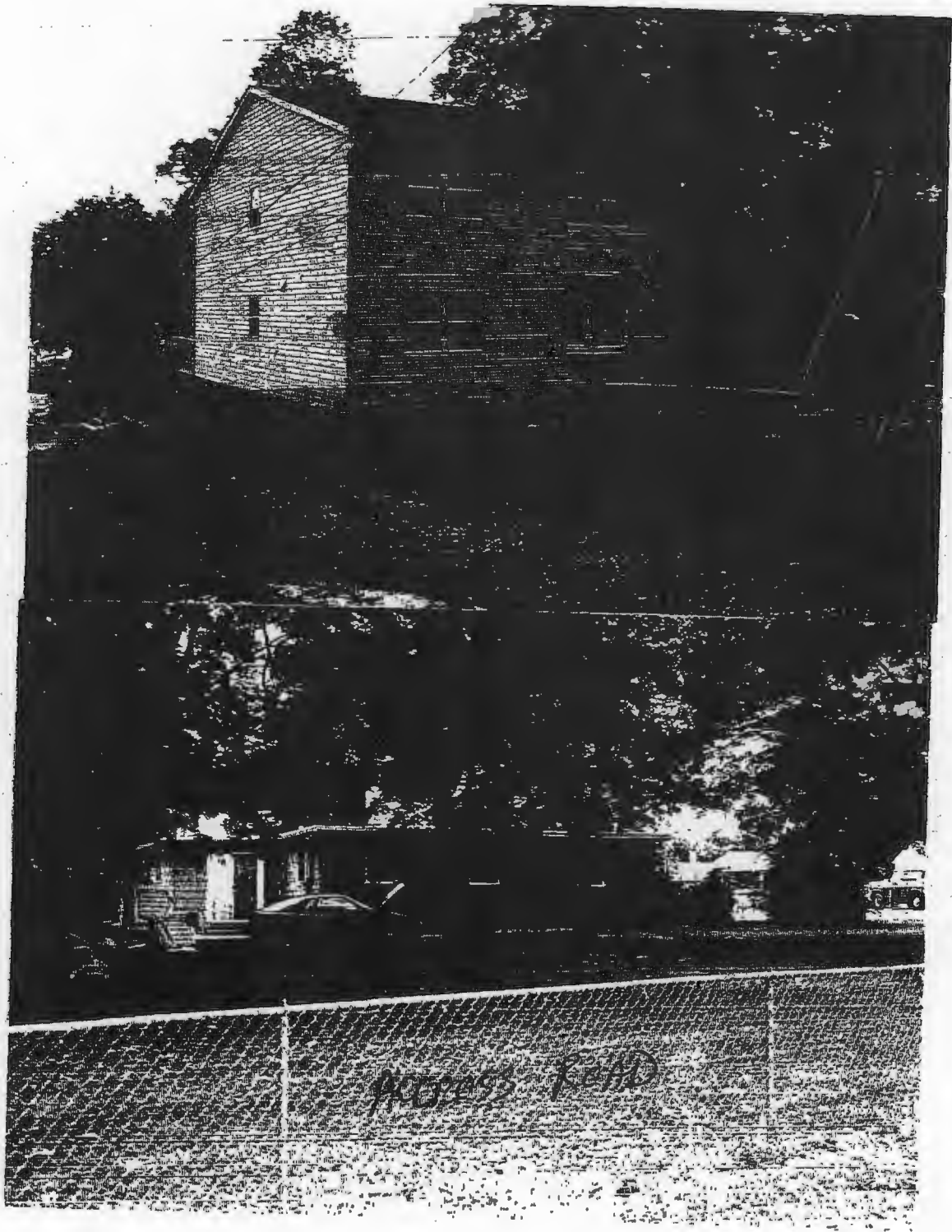
D.R. 5.5

1" = 20'









PROGRESS ROAD



Prior Zoning

IN RE: PETITION FOR VARIANCE
SW/S West Shore Drive, 521' S
of Sue Grove Road
(826 Sue Grove Road)
15th Election District
5th Councilmanic District

John Edward Hauser, Jr.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-585-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, John Edward Hauser, Jr. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling to be located on a lot with a lot width at the front building line of 58 feet in lieu of the required 70 feet, a side setback of 4 feet in lieu of the required 10 feet, and a sum of the side yards of 14 feet in lieu of the required 25 feet, and to approve an under-sized lot, pursuant to Section 304, with any other variances deemed necessary by the Zoning Commissioner. The subject property is a waterfront lot located on the southwest side of West Shore Drive, just north of Riverside Road in Turkey Point and fronts on Sue Creek. The relief requested and proposed improvements are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were John E. Hauser, Jr., property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 10,575 sq.ft., zoned D.R. 3.5, and is improved

ORDER RECEIVED FOR FILING

Date

By

Case No: 11-120A

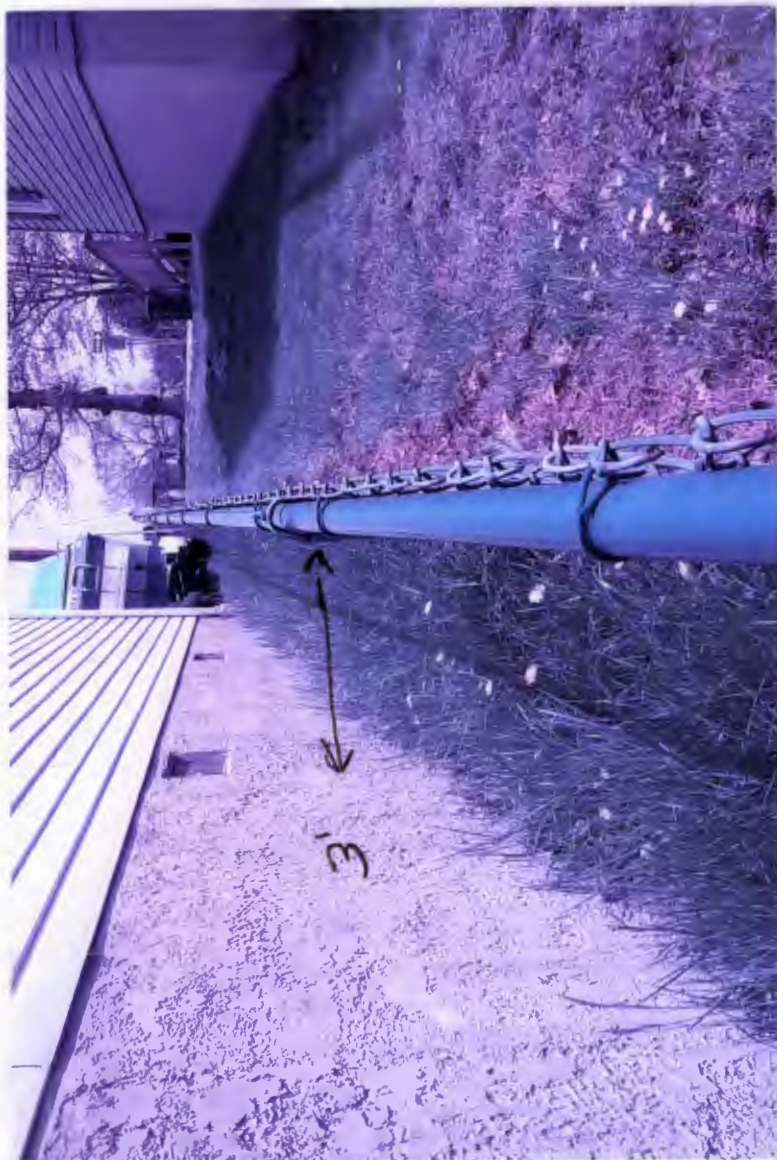
Case Name: John Hauser, Dorothy Burnette

Exhibit List

Party: Ref. Union

Date: 4/27/11

Exhibit No:	Description:
1	Plot of proposed addition
2.	File for below-moved in.
3a-g	Pictures of addition and property
VERIFIED BY	DATE:





19"
OFF LINE
PROP.



Showing 47"
OFF 828 Side deck





Case No: 11-120 A

Case Name: John Houser, Dorothy Bonetto

Exhibit List

Party: Repudent

Date: 4/27/11

[illegible]



11-1207
PAL

VIEW FROM WATER
3/26/11



826

VIEW FROM MY YARD
3/26/11



VIEW
FROM
ROAD

524

4/23/11



P2B

4/23/11

524

VIEW
FROM
ROAD

524

826 SUE GROVE ROAD

Case No.: 2011-0120-A Lot 58 Sue Grove

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Thomas Holmshede - Summary of Testimony and Photographs of Addition to Petitioner's Home
No. 2	AERIAL PHOTOGRAPH	
No. 3	PHOTOGRAPHS OF PROPERTY LINE	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

THOMAS L. HOLLENSHADE

828 SUE GROVE ROAD ❖ BALTIMORE, MARYLAND 21221

The Hon. William J. Wiseman, III, Zoning Commissioner
Office of the Zoning Commissioner
105 W. Chesapeake Ave. – Suite 103
Towson, MD 21204
November 18, 2010

RECEIVED

NOV 19 2010

Re: Case No. 2011-0120-A

PROTESTANT' S

MMISSIONER

Dear Mr. Wiseman:

EXHIBIT NO. 1A

I am writing, for the record, to voice my opposition to granting of the requested variance in Case No. 2011-0120-A. I am the owner of the property located at 828 Sue Grove Road and am the next door neighbor of the petitioner, Mr. John Hauser. I understand that Mr. Hauser is requesting an after-the-fact zoning variance to allow zero lot-line setbacks for recently constructed improvements to his dwelling, and that the improvements were made without his having applied for a building permit to do so. It is my firm opinion that the variance request be denied, and that an order should be issued requiring that the illegal structure be taken down, dismantled, removed, (with no further trespass or damage to my property), and that Mr. Hauser's property should be returned to its previous condition, and the removal of the illegal structure should commence immediately.

I base my opinion on the following:

Mr. Hauser was required by law to obtain a permit before building but did not, and in doing so, he broke the law and disregarded my rights as a neighboring landowner.

If Mr. Hauser had applied for the permit, Baltimore County's Zoning Department would have had a chance to review the plans, and would have made him aware that his addition was not in compliance and that zoning relief would be required before his plan could be implemented.

If Mr. Hauser had applied for the permit and subsequently applied for the zoning variance, I would have had an opportunity to discuss the issue with him and perhaps find some acceptable middle ground. As it stands, I was not given that opportunity nor was I given any consideration in the matter, and as such, have been damaged because of his actions.

If Mr. Hauser had applied for the permit, his plan would have been reviewed against the building code to ensure that his design was safe – since he did not get his plans reviewed,



#1
Rem: House from winter side: 3/28/2004
Tie Allene





④

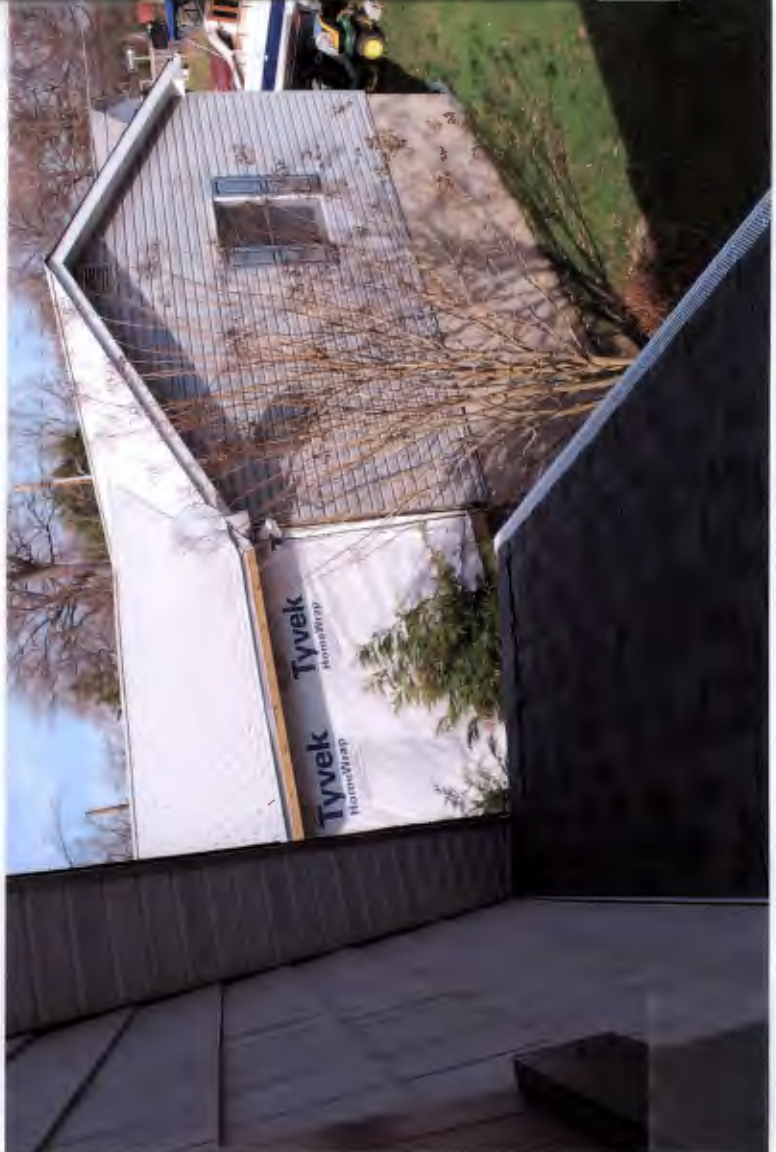
3/17/10 2:48

6 5:24



3/21/10 5:24

④



3/21/10 5:24

④



#8

2/24

3/20/10



3/21/10

3/20/10

#9

2/24



Ed Kleide 11/19/10

6/1



9/11/2010 SK

11

826 SUE GROVE ROAD

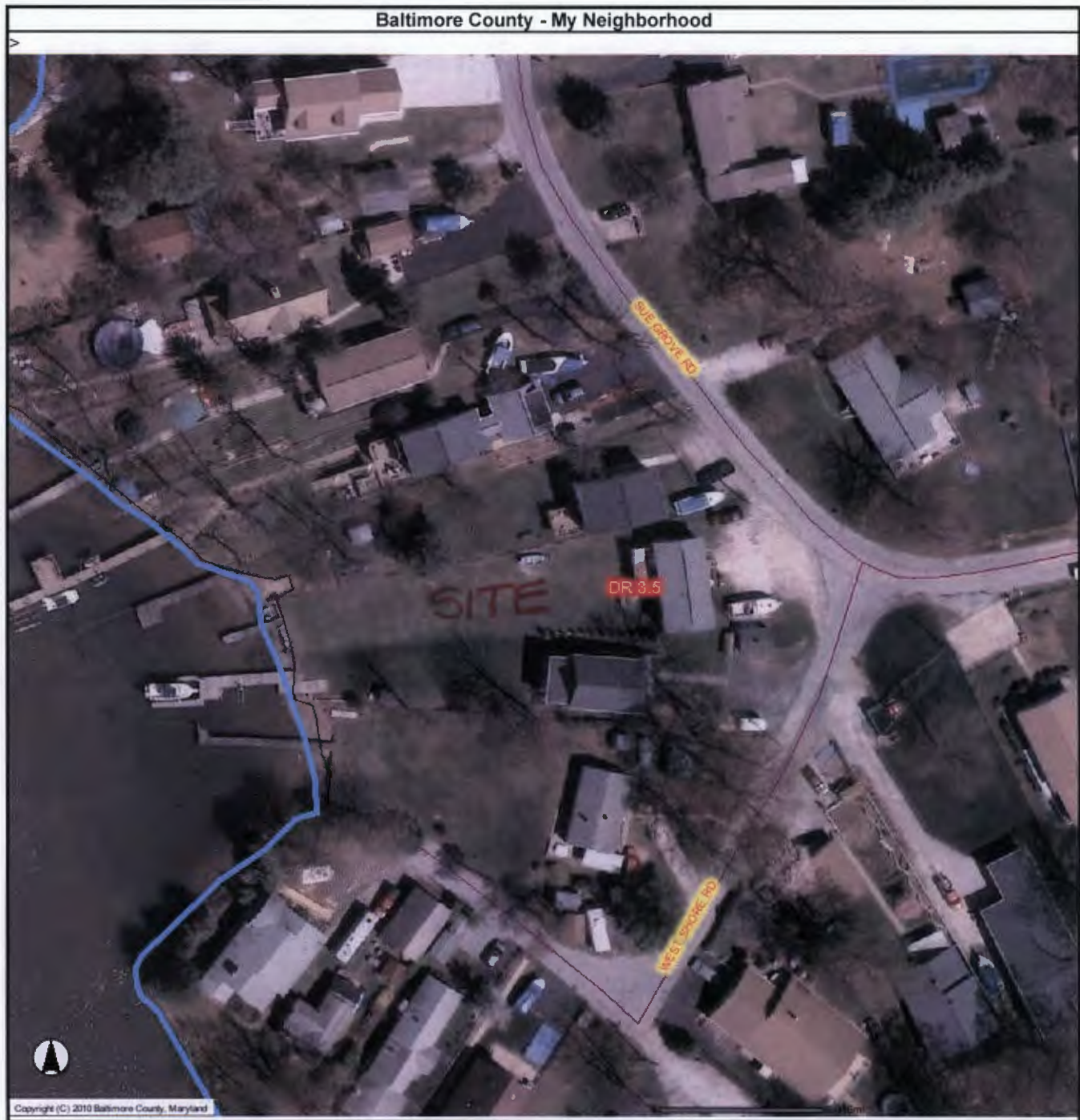
Case No.: 2011-0120-A LOT 58 SUE GROVE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Thomas Holmshede - Summary of Testimony and Photographs of Addition to Petitioner's Home
No. 2	AERIAL PHOTOGRAPH	
No. 3	PHOTOGRAPHS OF PROPERTY LINE	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



826 SUE GROVE ROAD

PETITIONER'S

EXHIBIT NO.

2





APPEAL

Petition for Variance
826 Sue Grove Road
W/s Sue Grove Rd., 2,150 ft. s/of Turkey Point Rd.
15th Election District – 6th Councilmanic District
Legal Owners: John Hauser & Dorothy Burnette

Case No.: 2011-0120-A

- ✓ Petition for Variance (September 28, 2010)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (October 15, 2010)
- ✓ Certification of Publication (The Jeffersonian – November 14, 2010)
- ✓ Certificate of Posting (October 31, 2010) by Martin Ogle
- ✓ Entry of Appearance by People's Counsel (October 12, 2010)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet
- Protestant(s) Sign-In Sheet – None
- ✓ Citizen(s) Sign-In Sheet – One Sheet
- ✓ Zoning Advisory Committee Comments
- ✓ Petitioners' Exhibit
 - ✓ 1. Site Plan
 - ✓ 2. Aerial Photograph
 - ✓ 3. Photographs of property line
- ✓ Protestants' Exhibits:
 - ✓ 1. Summary of Testimony – Thomas Hollensshade
- Miscellaneous (Not Marked as Exhibit)
 - ✓ 1. Active Violation Case Documents
 - ✓ 2. Prior Zoning Order – 97-585-A
- ✓ Zoning Commissioner's Order (DENIED – November 30, 2010)
- ✓ Notice of Appeal received on December 21, 2010 from Fred Hauser

RECEIVED
FEB 11 2011
BALTIMORE COUNTY
BOARD OF APPEALS

Address List

Petitioners:

John E. Hauser, Jr.
c/o Fred Hauser
826 Sue Grove Road
Baltimore, MD 21221

Geoffrey C. Schultz
McKee & Associates, Inc
5 Shawan Road, Ste 1
Baltimore, MD 21030

Protestants:

Thomas L. Hollensshade
828 Sue Grove Road
Baltimore, MD 21221

Interoffice:

Office of People's Counsel (Appellant)
Lawrence M. Stahl, Administrative Law Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Acting Director/Office of Planning
Nancy C. West, Assistant County Attorney
Michael Field, County Attorney
Claude Profili, Code Enforcement Inspector

Thomas A. Church
6603 York Road
Baltimore, MD 21212

Interested Persons:

Robert Pytrykow
507 C Bowleys Quarters Road
Baltimore, MD 21220

John Sullivan
641 Straffan Drive, #201
Timonium, MD 21093

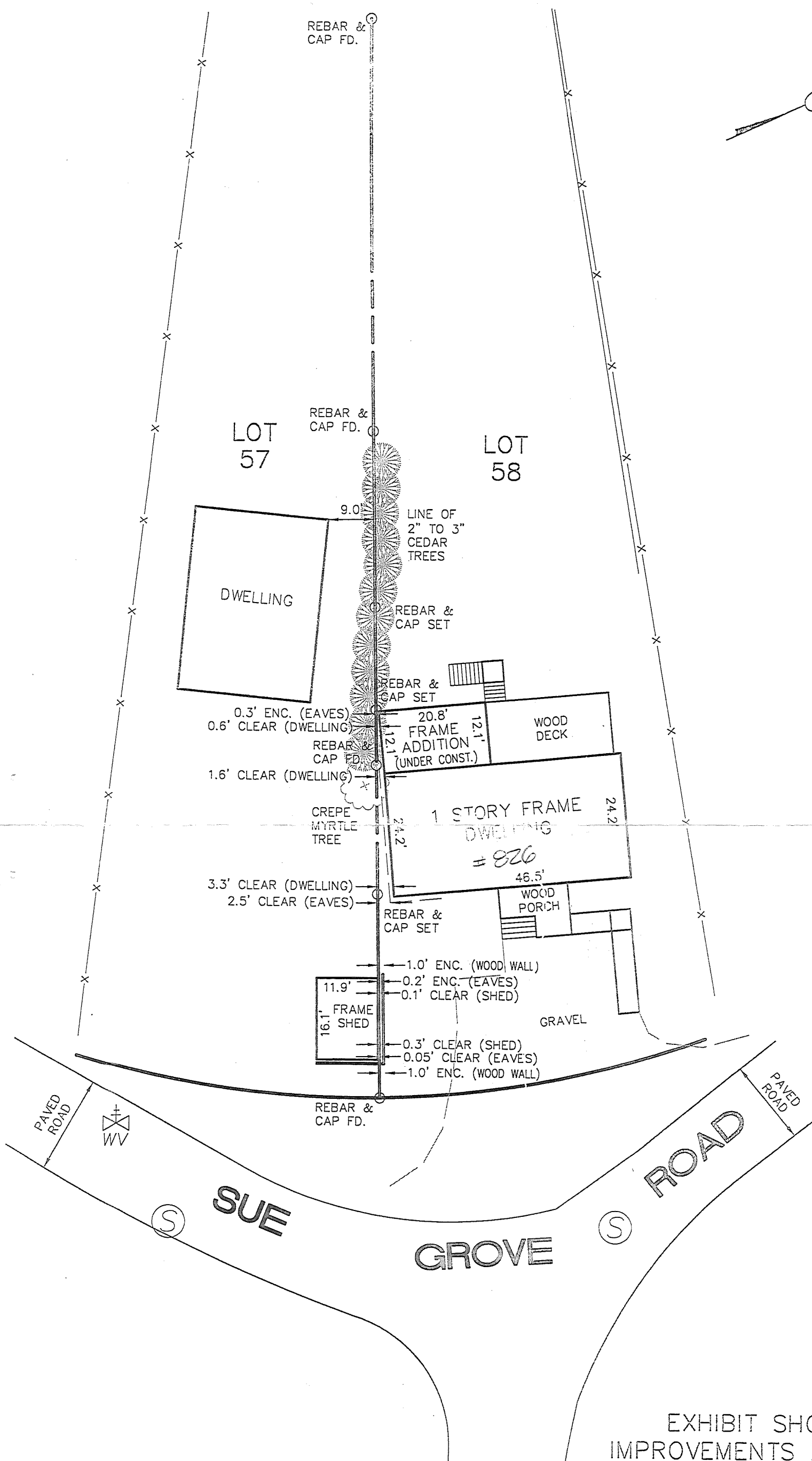


EXHIBIT SHOWING
IMPROVEMENTS ADJACENT
TO THE DIVISION LINE
BETWEEN LOTS 57 & 58

LOT 58, SUEGROVE

15TH ELECTION DISTRICT
SCALE: 1" = 20'

BALTIMORE COUNTY, MARYLAND
DATE: MAY 28, 2010
AMENDED: JULY 21, 2010

JOB No.: 10-049

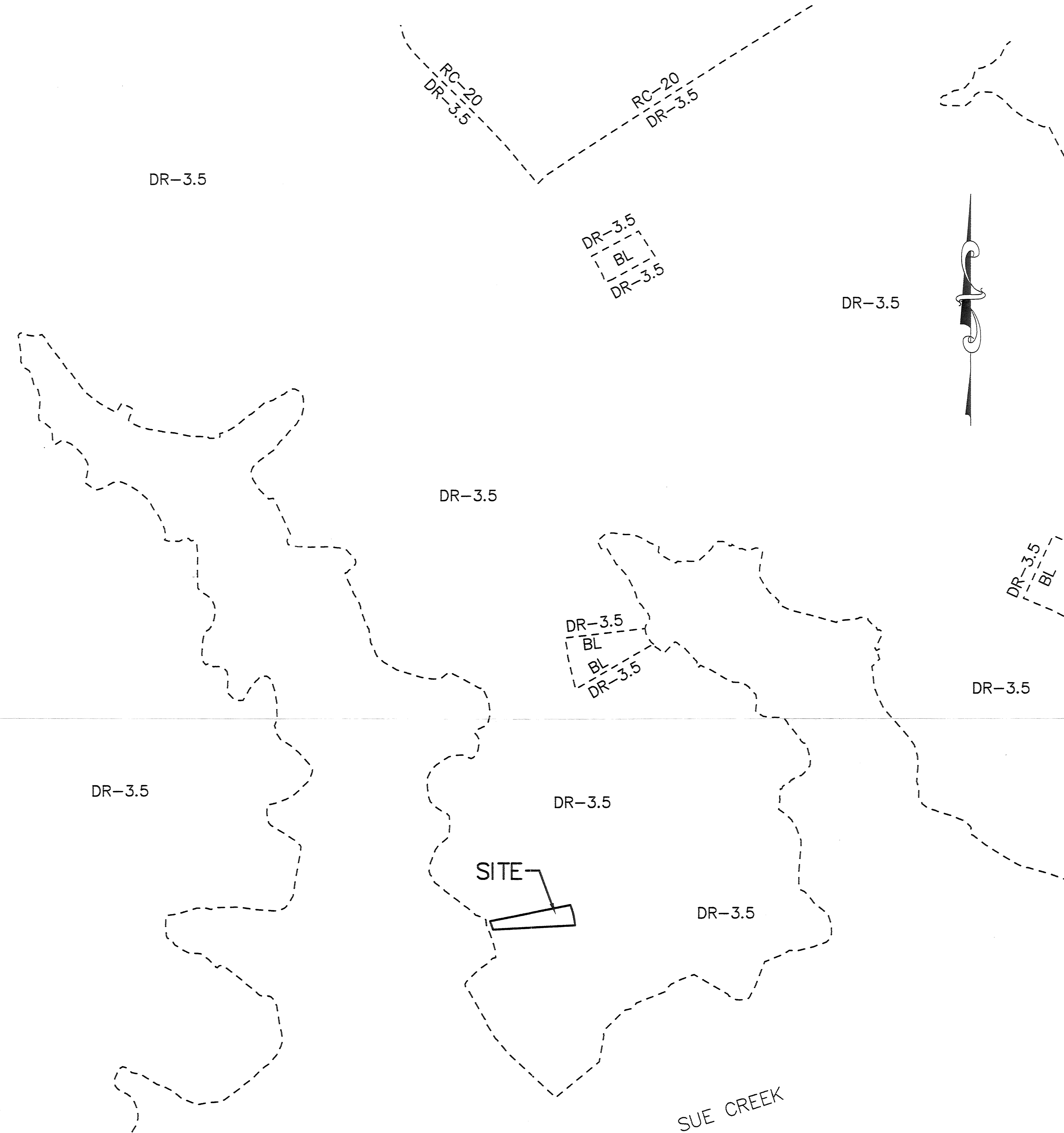
McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying

Natural Resource Planning - Real Estate Development

5 SHAWAN ROAD, Suite 1
TELEPHONE: (410) 527-1555

COCKEYSVILLE, MARYLAND 21030
FACSIMILE: (410) 527-1563

P:\edak\proj\10-049\dwg\10-074-200-SCALE-ZONING-MAP.dwg, 200-SCALE-ZONING-MAP, 9/28/2010 9:56:16 AM



200 SCALE ZONING MAP
#826 SUE GROVE ROAD

LOT 58, "SUEGROVE", PLAT 7/11

15th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 20' DATE: AUGUST 18, 2010

McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying

Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563



9/28/10

DRAWN BY: JMB

CHECKED BY: GCS

JOB No.: 10-074

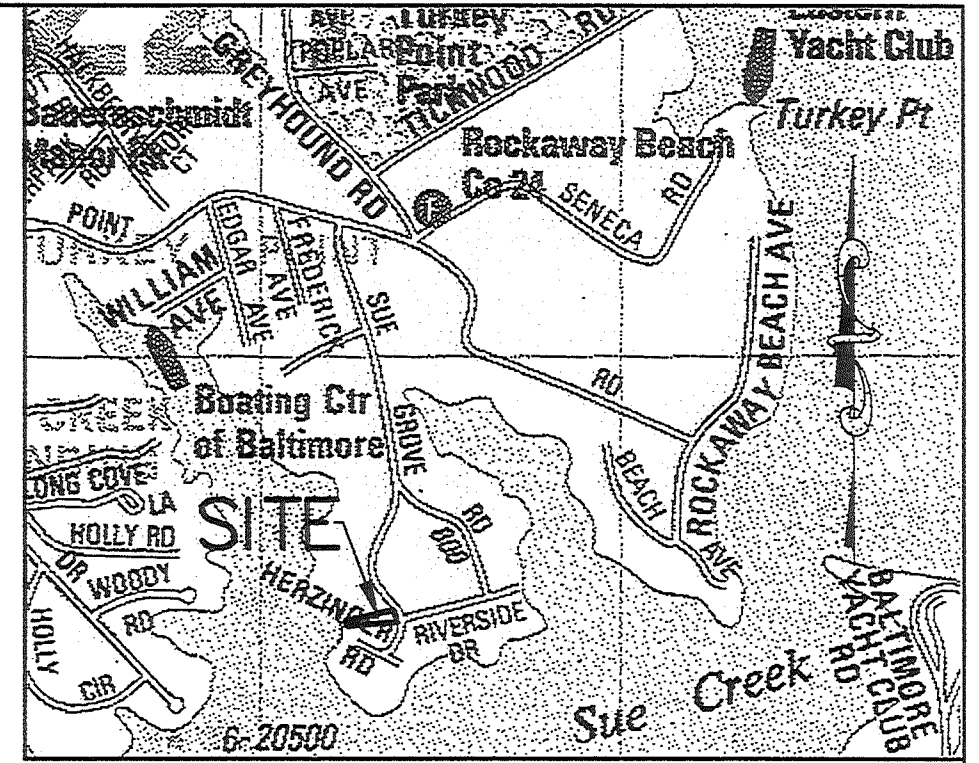
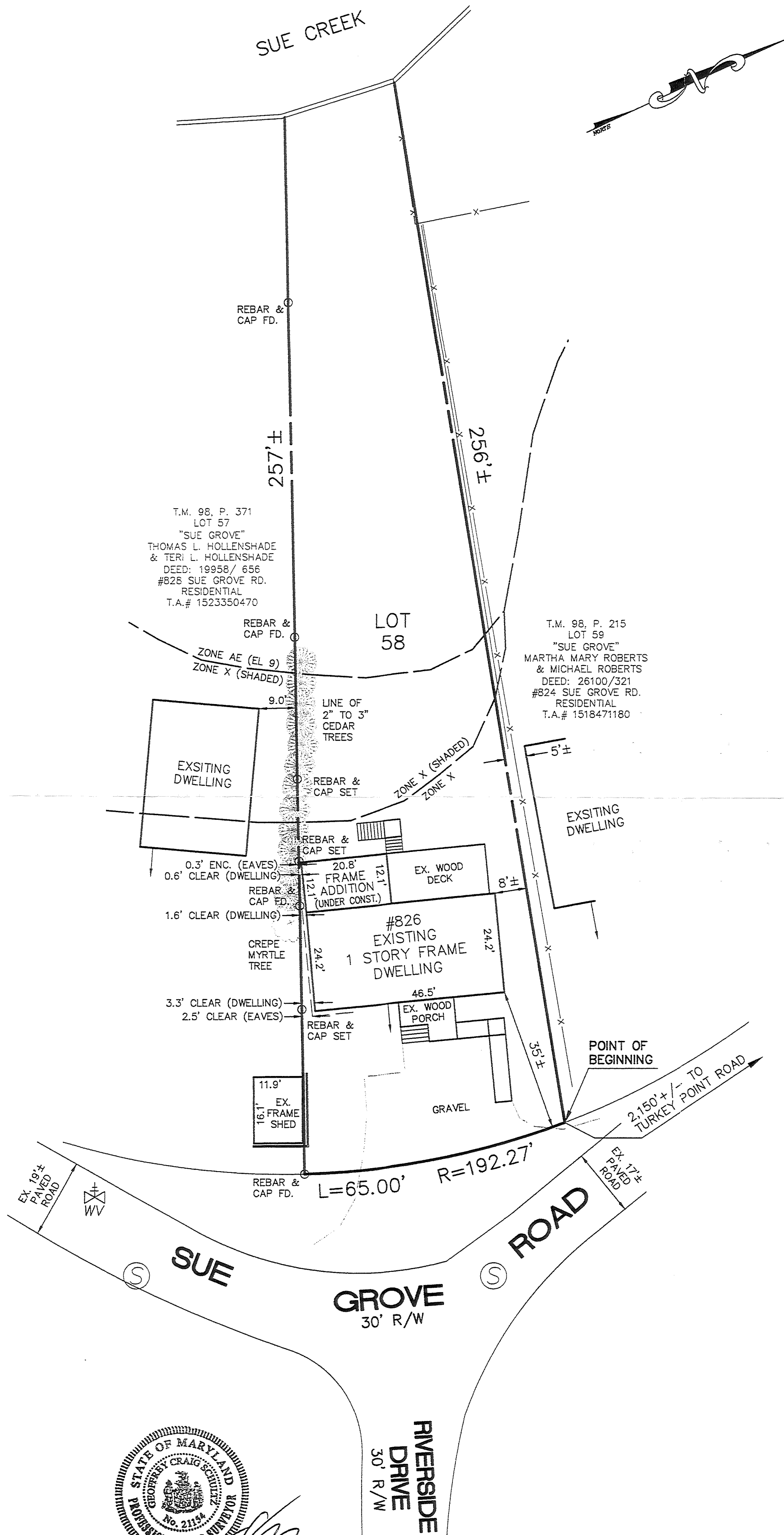
2011-0/20-A

P:\adark\proj\10-074-ZONING-PLAN.dwg, ZONING-PLAN, 9/28/2010 9:55:42 AM



McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying

Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563



VICINITY MAP
SCALE: 1" = 1000'

DEVOLUTION OF TITLE
THE PROPERTY AS SHOWN HEREON
HAS BEEN HELD IN-TACT SINCE
APRIL, 1921 (PLAT 7/11)

PROPERTY INFORMATION

ELECTION DISTRICT: 15TH
COUNCILMANIC DISTRICT: 6TH
200 SCALE MAP No.: 098A3 & 098B3
PRESENT ZONING: DR-3.5
LOT SIZE: 11,900 S.F. +/- = 0.273 ACRES +/- (NET)
14,000 S.F. +/- = 0.321 ACRES +/- (GROSS)

	PUBLIC	PRIVATE
WATER	☒	☐
SEWER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA:	☒	☐
100-YEAR FLOOD PLAIN:	☒	☐
HISTORIC PROPERTY/ BUILDING:	☐	☒
PRIOR ZONING HEARINGS:	☐	☒

THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE
BASIC SERVICES MAPS FOR THIS SITE.

VIOLATION CASE # CD0672931 (FA#0294994)

OWNER INFORMATION:

JOHN HAUSER &
DOROTHY BURNETTE
DEED REF.: 7304/577
TAX ACT. NO.: 1513203020
TAX MAP 98, GRID 15, PARCEL 215

NO STREAMS, STORMWATER MANAGEMENT SYSTEMS, DRAINAGE
SYSTEMS, OR PIPE SYSTEMS ON OR WITHIN 50 FEET OF THE PROPERTY.

**PLAT TO ACCOMPANY
PETITION FOR ZONING VARIANCE REQUEST
#826 SUE GROVE ROAD**

LOT 58, "SUEGROVE", PLAT 7/11

15th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20' DATE: AUGUST 18, 2010

PETITIONER'S

EXHIBIT NO. 1

DESIGN AND DRAWING BASED ON
MARYLAND COORDINATE SYSTEM
HORIZONTAL - NAD 83/91
VERTICAL - NAVD 88

DRAWN BY: JMB CHECKED BY: GCS JOB No.: 10-074

2011-0120-A