

IN RE: PETITIONS FOR SPECIAL EXCEPTION	*	BEFORE THE
AND VARIANCE		
S side of Glen Alpine Road; 300' E of	*	OFFICE OF
Nantucket Garth		
11 th Election District	*	ADMINISTRATIVE HEARINGS
3 rd Council District		
(27 Glen Alpine Road)	*	FOR BALTIMORE COUNTY
Robert H. Rueter, Sr.	*	Case No. 2012-0291-XA
Petitioner		

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 27 Glen Alpine Road. The Petitions were filed by Robert H. Reuter, Sr., the legal owner of the subject property. The Special Exception Petition seeks relief from § 1A07.3.B.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a private kennel in an RC 6 zone. Petitioner is also requesting Variance relief from § 421.1 of the B.C.Z.R. to permit a dog run within 30' of the property line in lieu of the required 200'. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing was Petitioner's daughter-in-law and her sister, Deborah Shultz. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R. There were no Protestants or interested persons in attendance, and the file does not contain any letters of protest or opposition.

This matter is currently the subject of a violation case (Case No. CO-0109780) before the Office of Administrative Hearings, and a copy of the Code Enforcement file was made a part of the zoning hearing file. It should be noted that the fact that a code violation is issued is generally not considered in a zoning case. Zoning enforcement is conducted by the Department of Permits,

ORDER RECEIVED FOR FILING

Date 7-9-12

By pm

Approvals, and Inspections, which has the authority to issue Correction Notices and Citations and to impose fines and other penalties for violation of law. On the other hand, the role of the Administrative Law Judge in this matter is to decide the discreet legal issue of whether the Petitioner is entitled to the requested zoning relief.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Planning dated June 7, 2012, which state:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning **does not** support the petitioner's request for a special exception for a private kennel and variance for a dog run within 30 feet of the property line. The petitioner has requested the above relief in response to a zoning/code violation cited in February of 2012.

This is not the petitioner's primary residence and they do not have to live with the violation or implications thereof on a day-to-day basis. The subject community is suburban in nature and layout despite most lots being about 1.5± acres. This department feels that the surrounding neighbors should not have to live in close proximity to a large number of dogs, which can result in excessive noise and if not properly looked after, has the potential to be unsanitary.

Therefore, the Department of Planning is of the opinion that this is not an appropriate avenue for a private kennel and a dog run and that this request will be detrimental to the health, safety, or general welfare of the surrounding community.

Testimony and evidence offered at the hearing revealed that the subject property is 1.63 acres and is zoned RC 6 and is located in the Windemere subdivision in the Phoenix area of Baltimore County. The property is approximately 1.63 acres in size, and is improved by a single family dwelling. The Petitioner's son, his wife and two children live on the property, and the family owns six dogs, all of which are small breeds and less than 25 pounds.

SPECIAL EXCEPTION

As noted above, Petitioner seeks special exception relief from § 1A07.3.B.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a private kennel in an RC 6 zone. Under

ORDER RECEIVED FOR FILING

Date 7-9-12 2

By pm

Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Here, there was no evidence presented that the adverse effects from the operation of the private kennel would be any greater at this location than in any other locations in the zone where the use is permitted by special exception. I am mindful of the Department of Planning's comment, but do not believe that the possibility of noise (which would seem to be inherent in the operation of a kennel) is sufficient to overcome the presumption in favor of the special exception. The Petitioner has lived at the premises with their dogs for almost a year, and yet there were no letters of opposition in the file, and no one from the community attended the hearing. Petitioner presented photos of the dogs and the environs, and it is apparent the animals are well cared for, and the house and grounds are attractive and clean.

VARIANCE

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. As noted by Ms. Shultz, the Petitioner's lot is one of the largest in the community, and it also surrounded by trees and dense vegetation. The Petitioner's home (unlike the other homes in the neighborhood) sits well below street-level grade, and Ms. Shultz said you

ORDER RECEIVED FOR FILING

Date 7-9-18

3

By ms

cannot even see the Petitioner's home when you are driving on Glen Alpine Road. These factors, as well as the dwelling's unusual orientation on the lot (See Exhibit 1) render the property unique.

If the B.C.Z.R. were strictly enforced, the Petitioner would suffer a practical difficulty and/or hardship. Indeed, Petitioner would need to relinquish three of her dogs. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is amply demonstrated by the lack of opposition from neighbors or area community associations.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions, and after considering the testimony and evidence offered, I find that Petitioner's Special Exception and Variance requests should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 9 day of July, 2012 that Petitioner's request for Special Exception relief under § 1A07.3.B.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a private kennel in an RC 6 zone, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's request for Variance relief from § 421.1 of the B.C.Z.R. to permit a dog run within 30' of the property line in lieu of the required 200', be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

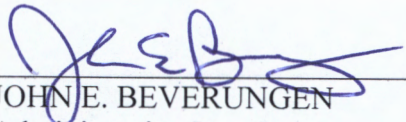
1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date 7-9-12

By [Signature]

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz

ORDER RECEIVED FOR FILING

Date 7-9-18

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

July 9, 2012

ROBERT H. RUETER, SR.
27 GLEN ALPINE ROAD
PHOENIX MD 21131

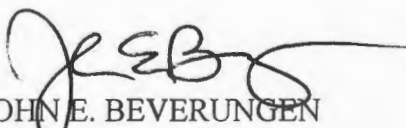
RE: Petition for Special Exception Variance
Case No.: 2012-0291-XA
Property: 27 Glen Alpine Road

Dear Mr. Rueter:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

c: Keith Parker, Baltimore County Code Enforcement



PETITION FOR ZONING HEARING

VIOLATION: 0109780

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

*Address 27 Glen Alpine RD which is presently zoned RC6
Deed References: 31386/00334 10 Digit Tax Account # 1600000529
Property Owner(s) Printed Name(s) Robert Rueter

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☒ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for A PRIVATE KENNEL IN AN RC-6 ZONE. SECTION 1A07.3.B.2; BCZR.
3. ☒ a Variance from Section(s) 421.1; BCZR, TO PERMIT A DOG-RUN WITHIN 30FT of the Property Line in Lieu of the required 200 ft

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

*Legal Owners (Petitioners):

Robert Rueter
Name #1 - Type or Print _____ Name #2 - Type or Print _____
[Signature] _____
Signature #1 _____ Signature #2 _____
27 Glen Alpine Phoenix MD
Mailing Address _____ City _____ State _____
21131 4105107891
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Name - Type or Print _____
Signature [Signature] _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2012-0291-XA Filing Date 5/11/2012 Do Not Schedule Dates: _____ Reviewer JCM

Zoning property description for 27 Glen Alpine RD, Phoenix, Maryland 21131.

Beginning at a point on the south side of Glen Alpine RD which is 50' wide at the distance of 300' east of the centerline of the nearest improved street Nantucket Garth which is 50' wide.

Being lot # 22, Block C, Section #5 in the subdivision of Windemere as recorded in Baltimore County Plat Book 33, Folio 133, and containing 1.63 AC. Located in the 11th Election District and 3rd Council District.

MEMORANDUM

DATE: August 10, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0291-X - Appeal Period Expired

The appeal period for the above-referenced case expired on August 8, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

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

No. **83465**

Date: **5-11-12**

PAID RECEIPT

BUDGETESS 10/10/11
 5/11/2012 5:11:12 PM

REG 4545 BALTIMORE COUNTY
 RECEIPT # 62943 5/11/2012
 5:52 PM CASHING VERIFIED
 NO. 003465

Receipt for
 \$460.00
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						\$ 460.00

Total: **\$460.00**

Rec From: **REUTER**

For: **2012-0291-XA**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2012-0291-XA

Petitioner/Developer _____
LISA REUTER

Date Of Hearing/Closing: 7/9/12

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 27 CLEN ALPINE RD

This sign(s) were posted on June 19, 2012

Month, Day, Year

Sincerely,

Martin Ogle 6/19/12
Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411

ZONING NOTICE

CASE # 2012-0291-XA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 205, JEFFERSON BUILDING 105

PLACE: WEST CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MONDAY, JULY 9, 2012
AT 10:00 A.M.

REQUEST: SPECIAL EXCEPTION TO ALLOW A PRIVATE
KENNEL IN AN RE-6 ZONE. VARIANCE TO
PERMIT A DOG-RUN WITHIN 30 FEET OF THE PROPERTY
LINE IN LIEU OF THE REQUIRED 200 FEET

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

06/19/2012

Myalut Of 6/19/12

**NOTICE OF ZONING
HEARING**

The Administrative Law Judge 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: # 2012-0291-XA
27 Glen Alpine Road
S/s of Glen Alpine Road,
300 feet east of Nantucket
Garth
11th Election District
3rd Councilmanic District
Legal Owner(s): Robert
Rueter
Special Exception: to al-
low a private kennel in an
RC-6 zone. **Variance:** to
permit a dog-run within 30
feet of the property line in
lieu of the required 200
feet.
Hearing: Monday, July 9,
2012 at 10:00 a.m. in
Room 205, Jefferson
Building, 105 West Chesa-
apeake Avenue, Towson
21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

IT/6/708 June 19 304341

CERTIFICATE OF PUBLICATION

6/21/2012

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 6/19/2012.

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

S. Wilkinson

LEGAL ADVERTISING



KEVIN KAMENETZ
County Executive

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

June 11, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0291-XA

27 Glen Alpine Road

S/s of Glen Alpine Road, 300 feet east of Nantucket Garth

11th Election District – 3rd Councilmanic District

Legal Owners: Robert Rueter

Special Exception to allow a private kennel in an RC-6 zone. Variance to permit a dog-run within 30 feet of the property line in lieu of the required 200 feet.

Hearing: Monday, July 9, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Robert Rueter, 27 Glen Alpine Road, Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 19, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARING OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 19, 2012 Issue - Jeffersonian

Please forward billing to:
Robert Rueter
27 Glen Alpine Road
Phoenix, MD 21131

410-510-7891

NOTICE OF ZONING HEARING

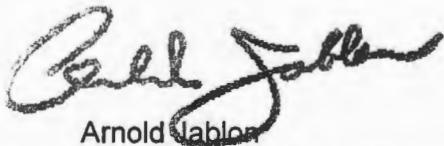
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S/s of Glen Alpine Road, 300 feet east of Nantucket Garth
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105 West Chesapeake Avenue, Towson 21204



Arnold Nablun
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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: 2012-0291-XA

Petitioner: Robert Rueter Jr.

Address or Location: 27 Glen Alpine RD Phoenix, MD 21131

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Same

Telephone Number: 410-510-7891

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE OFFICE
AND VARIANCE		
27 Glen Alpine Road; S/S Glen Alpine Road	*	OF ADMINISTRATIVE
300 feet East of Nantucket Garth		
11 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Robert Rueter		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2012-291-XA

* * * * *

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.

RECEIVED

MAY 21 2012

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of May, 2012, a copy of the foregoing Entry of Appearance was mailed to Robert Rueter, 27 Alpine Road, Phoenix, Maryland 21131, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

JB 7/9

Case No.: 2012-0291-XA

Exhibit Sheet

DJ 8-10-12
7/9/12
P

Petitioner/Developer

Protestant

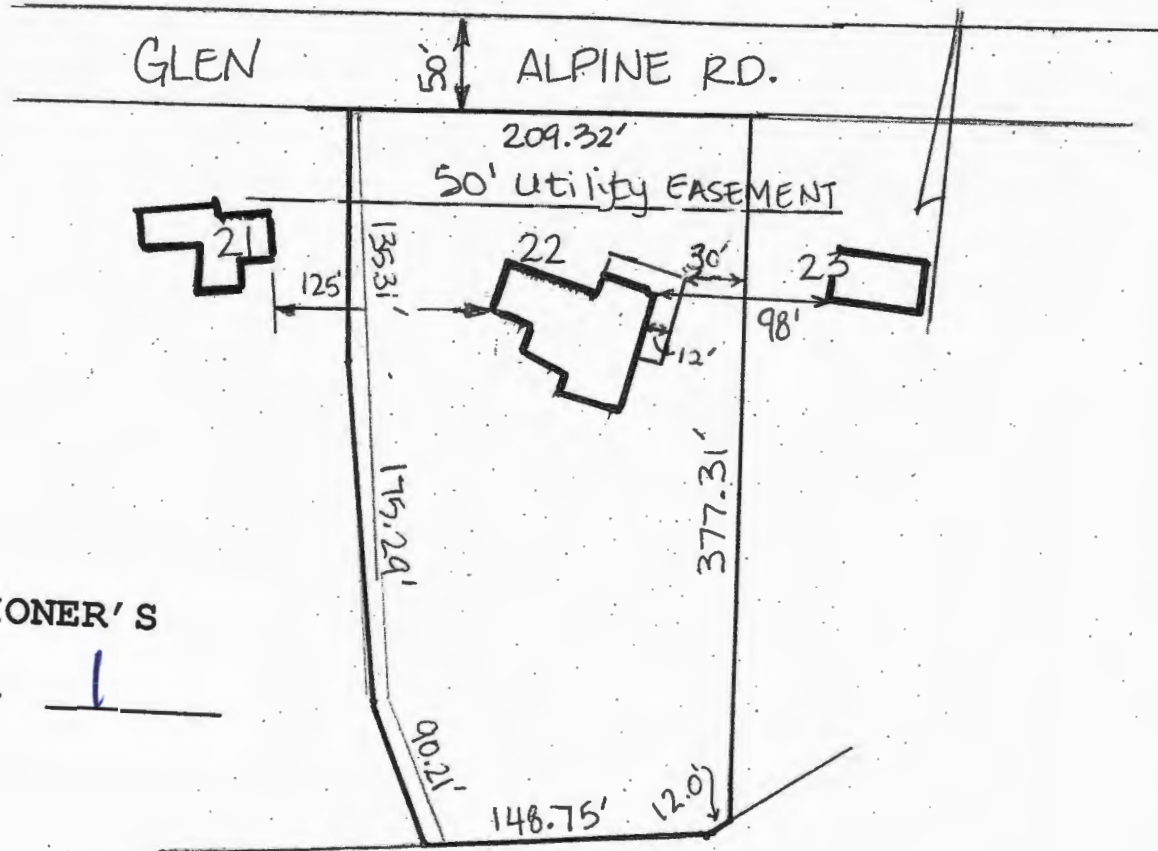
No. 1	Site Plan	
No. 2	Zoning Map	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 27 Glen Alpine Rd 21131 OWNER(S) NAME(S) Robert Rueter

SUBDIVISION NAME Windemere LOT # 22 BLOCK # C SECTION # 5

PLAT BOOK # 33 FOLIO # 133 10 DIGIT TAX # 1600000529 DEED REF. # 3138600334



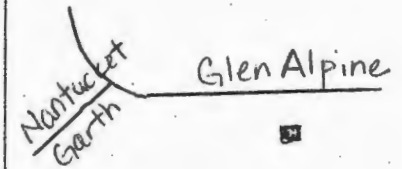
PETITIONER'S

EXHIBIT NO. 1



PLAN DRAWN BY Deborah Schultz DATE 5/5/12 SCALE: 1 INCH = 100' FEET

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 053A2

SITE ZONED RCL

ELECTION DISTRICT 11

COUNCIL DISTRICT 3

LOT AREA ACREAGE 1.63 AC

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE X

SEWER IS:

PUBLIC _____ PRIVATE X

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

0109780

2/1/12

1600000497 Lot #

1600000498

18

Lot # 5

Pt. Bk./Folio # 033123

1600000500

Lot # 7

24

1600000501

Lot # 8

26

1600000502

Lot # 9

28

1600000499

Lot # 6

22

GLEN ALPINE RD

1600000532

31

29

PDM # 110091

27

1600000531

Lot # 24

11 ED

053A2

1600000527

Lot # 20

NE 16-D

3 CD

Pt. Bk./Folio # 033133B

1600000528

Lot # 21

RC 6

Lot # 22

1600000529

Pt. Bk. 33, Folio 133

1600000530

Pt. Bk. 33, Folio 123

Lot # 23

1600000526 Lot # 19

Lot # 18

1600000525

1600000524

Lot # 17

1108065500

PETITIONER'S

EXHIBIT NO.

2

1:100

Pt. Bk. 14, Folio 112

7-9 10AM
205

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: June 7, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 27 Glen Alpine Road

INFORMATION:

Item Number: 12-291

Petitioner: Robert Rueter

Zoning: RC 6

Requested Action: Special Exception and Variance

RECEIVED
JUN 07 2012
OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

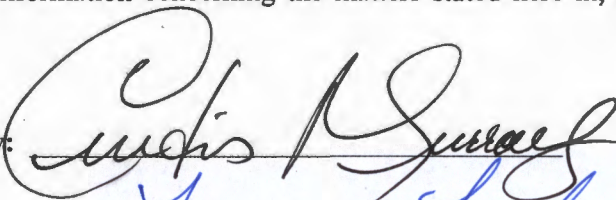
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning **does not** support the petitioner's request for a special exception for a private kennel and variance for a dog run within 30 feet of the property line. The petitioner has requested the above relief in response to a zoning/code violation cited in February of 2012.

This is not the petitioner's primary residence and they do not have to live with the violation or implications thereof on a day-to-day basis. The subject community is suburban in nature and layout despite most lots being about 1.5± acres. This department feels that the surrounding neighbors should not have to live in close proximity to a large number of dogs, which can result in excessive noise and if not properly looked after, has the potential to be unsanitary.

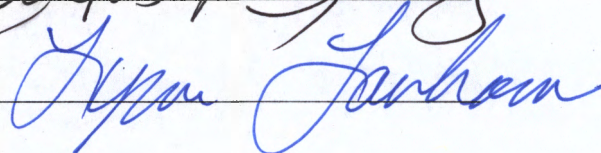
Therefore, the Department of Planning is of the opinion that this is not an appropriate venue for a private kennel and a dog run and that this request will be detrimental to the health, safety, or general welfare of the surrounding community.

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

Prepared by:



Division Chief:
AVA/LL: CM



CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment5-30DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)NC6-16DEPS
(if not received, date e-mail sent _____)NC

FIRE DEPARTMENT

6-17PLANNING
(if not received, date e-mail sent _____)Does Not Support5-21

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. CO-0909780)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 6-21-12

SIGN POSTING

Date: 6-19-12by Ogle20 days

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 11 Account Number - 1600000529

Owner Information

Owner Name: RUETER ROBERT H,SR
RUETER NORA V
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 812 SEMINARY AVE
TOWSON MD 21286-
Deed Reference: 1) /31386/ 00334
2)

Location & Structure Information

Premises Address
27 GLEN ALPINE RD
0-0000

Legal Description

321 E NANTUCKET GARTH
WINDEMERE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0053	0008	0128		0000	5	C	22	3	Plat Ref: 0033/0133

Town NONE
Ad Valorem
Tax Class

Special Tax Areas

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1974	3,261 SF	1.6300 AC	04

Stories	Basement	Type	Exterior
1.000000	NO	STANDARD UNIT FRAME	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	159,400	159,400		
Improvements:	275,700	224,900		
Total:	435,100	384,300	435,100	384,300
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
BLANCHARD WILLIAM C	11/10/2011	\$320,000
Type: ARMS LENGTH IMPROVED	Deed1: /31386/ 00334	Deed2:
Seller: PENNELLA ROCCO D	Date: 06/04/1984	Price: \$215,000
Type: ARMS LENGTH IMPROVED	Deed1: /06723/ 00235	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

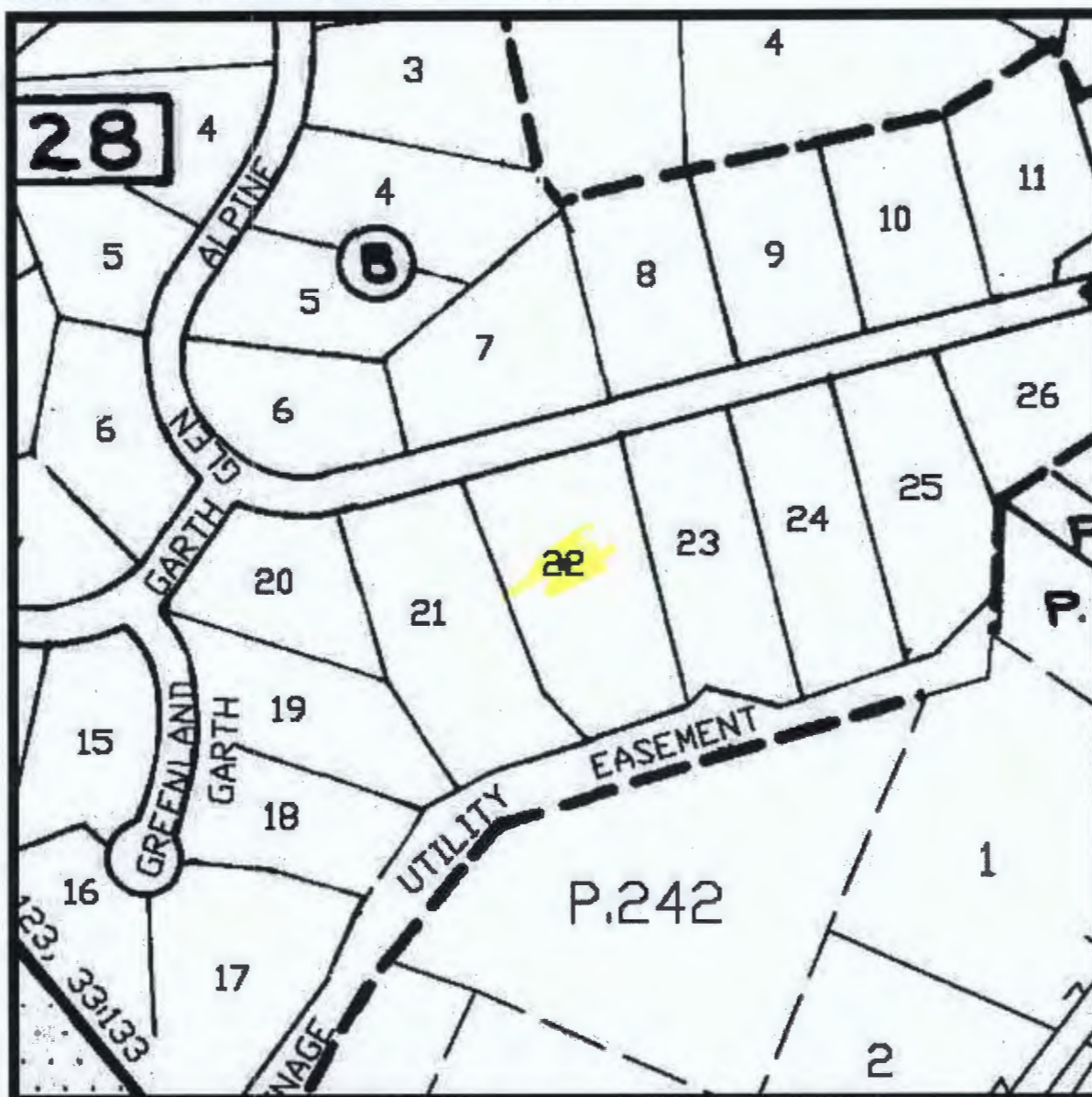
Homestead Application Status: Application received



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 11 Account Number - 1600000529



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2010.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

Debra Wiley - 27 Glen Alpine Rd. - Case No. 2012-0291-XA

From: Debra Wiley
To: Parker, Keith
Date: 7/6/2012 8:55 AM
Subject: 27 Glen Alpine Rd. - Case No. 2012-0291-XA

Good Morning Keith,

In reviewing the zoning file for the above-referenced matter, it appears from correspondence that you were to be notified of the hearing date.

Please be advised that this hearing is scheduled for Monday, July 9th @ 10 AM, in Room 205 of the Jefferson Building.

Let me know if you need anything further. Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

CO0109780
27 Glen Alpine Road

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: June 3, 2012,

TO: W. Carl Richards, Jr.

FROM: Lionel van Dommelen, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No: 2012-0291-XA
Legal Owner/Petitioner: Robert Rueter
Property Address: 27 Glen Alpine Rd
Location Description: S/S of Glen Alpine Road, 300 ft. east of Nantucket

Garth.

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: Keith Parker

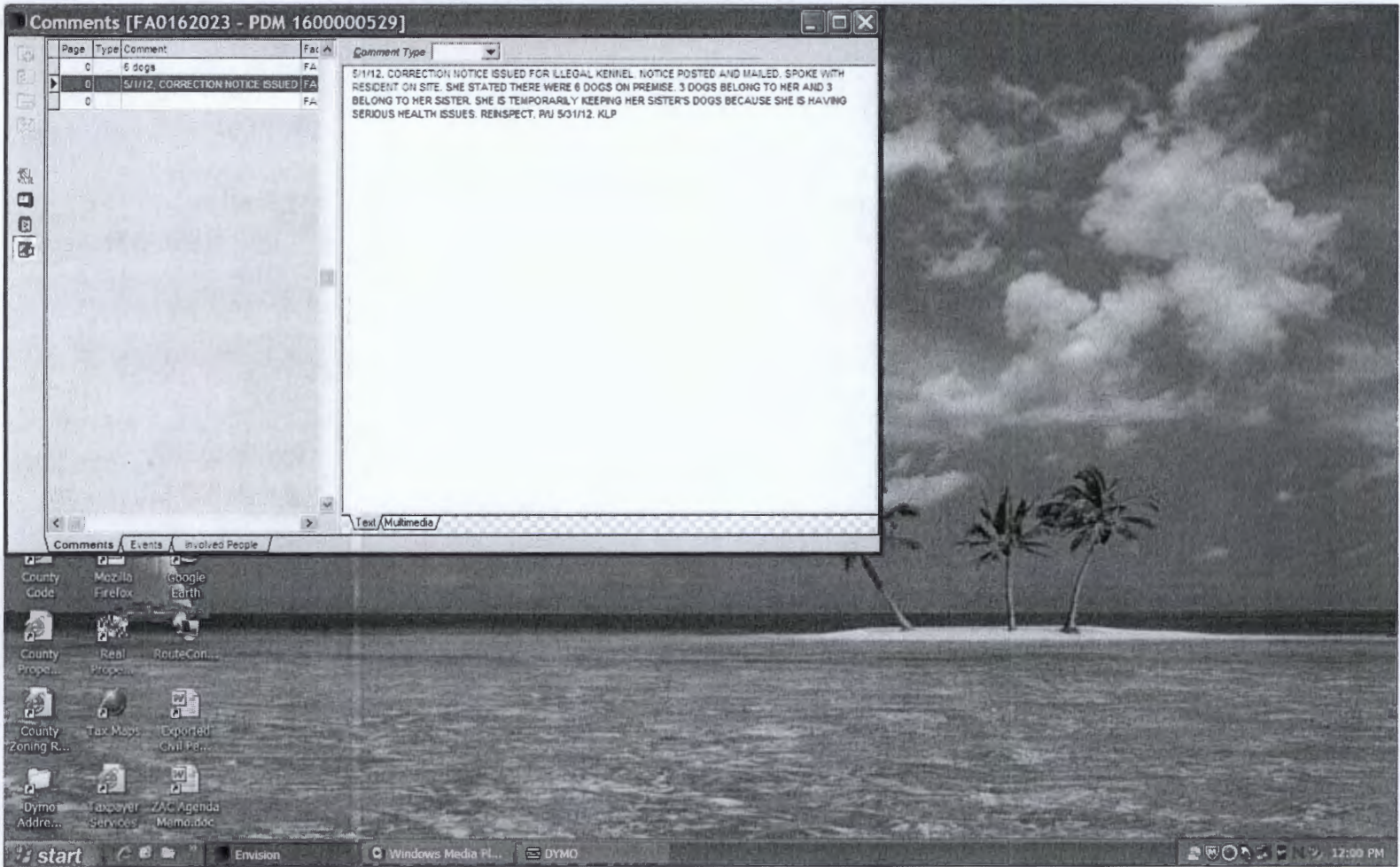
In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Case No: CO0109780
Correction Notices
Citation
Photographs

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Kaitlyn Heinbach in Room 213 in order that the appropriate action may be taken relative to the violation case.

LvD/kh

C: Keith Parker, Code Enforcement Officer





CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER 0109780	PROPERTY TAX ID 1600000529	DATE ISSUED 5/1/12
NAME(S): Robert H. Rueter, Sr. Nora V. Rueter		
MAILING ADDRESS 817 Seminary Ave.		
CITY Towson	STATE Md.	ZIP CODE 21286
VIOLATION ADDRESS 27 Glen Alpine Rd.		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE 21131

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

- ☐ DR1 ☐ DR2 ☐ DR3.5 ☐ DR5.5 ☐ DR10.5 ☐ DR16
☐ RC2(1A01) ☐ RC4(1A03) ☐ RC20 & 50 (1A05) ☐ RC6(1A07)
☐ RC3(1A02) ☐ RC5(1A04) ☐ RCC (1A06) ☐ RC7 (1A08)
☐ OTHER: _____

NON-RESIDENTIAL CLASSIFICATION

- ☐ BL (230) ☐ BR (236) ☐ BM (233)
☐ MR (240) ☐ ML (253) ☐ MH (256)
☐ OTHER: _____

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

- | | |
|---|--|
| ☐ 101; 102.1: Definitions; general use | ☐ 415A: License/ remove untagged recreation vehicle |
| ☐ 1B01.1: DR Zones-use regulations | ☐ 415A: Improperly parked recreation vehicle |
| ☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) | ☐ 415A: One recreational vehicle per property |
| ☐ 1B01.1D: Remove open dump/ junk yard | ☐ 410: Illegal Class II trucking facility |
| ☐ 431: Remove commercial vehicle(s) | ☐ 490: Illegal accessory structure placement. |
| ☐ 101; 102.1: Remove contractors equip. storage yard | ☒ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs |
| ☐ 101; 102.1; ZCPM: Cease service garage activities | ☐ 102.5: Residential site line violation /obstruction |
| ☐ 402: Illegal conversion of dwelling | ☐ 408B: Illegal rooming/ boarding house |
| ☐ 101; 102.1; ZCPM: Illegal home occupation | ☐ BCC: 32-3-102; 500.9 BCZR; ZCPM:
Violation of commercial site plan and/or zoning order |

BALTIMORE COUNTY CODE (B.C.C.)

- | | |
|--|--|
| ☐ 13-7-112: Cease all nuisance activity | ☐ 35-2-301: Obtain building/ fence/ sign permit |
| ☐ 13-7-115: County to abate nuisance & lien costs | ☐ 18-2-601: Remove all obstruction(s) at street, alley, road |
| ☐ 13-7-310: Remove all trash & debris from property | ☐ 13-7-310(2): Remove bird seed / other food for rats |
| ☐ 13-7-312: Remove accumulations of debris, materials, etc | ☐ 32-3-102: Violation of development plan/ site plan |
| ☐ 13-7-201(2): Cease stagnant pool water | ☐ IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise |
| ☐ 12-3-106: Remove animal feces daily | ☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height |
| ☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests | |
| ☐ 13-4-201(b)(d): Store garbage in containers w/tight lids | |

OWNER OCCUPIED HOUSING (B.C.C.)

- | | |
|---|--|
| ☐ 35-5-302(a)(1): Unsanitary conditions. | ☐ 35-5-302(a)(2): Store all garbage in trash cans |
| ☐ 35-5-302(a)(3): Cease _____ infestation from prop. | ☐ 35-5-302(b)(1): Repair exterior structure |
| ☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc | ☐ 35-5-302(b)(1)(3): Repair exterior extensions |
| ☐ 35-5-302(b)(1)(4): Repair chimney & similar extensions | ☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces |
| ☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s) | ☐ 35-5-302(b)(1)(7): Repair defective fence |

INVESTMENT PROPERTY (B.C.C.)

- | | |
|--|---|
| ☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition | ☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members |
| ☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members | ☐ 35-2-404(a)(1)(iv): Repair exterior chimney |
| ☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry | ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof /foundations |
| ☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below) | ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s) | ☐ 35-2-404(a)(4)(i)(ii): Board & secure. Material to match building color of structure |

OTHER VIOLATIONS OR REMARKS: _____

☒ NOTICE POSTED AND MAILED

POTENTIAL FINE: ☐ \$200 ☐ \$500 ☐ \$1000 per day, per violation and to be placed as a lien upon your tax bill.

COMPLIANCE DATE: **5.31.12** INSPECTOR NAME: **K. Parker**
PRINT NAME (Rev 9/05)
AGENCY

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JUN 16 2012
OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: June 15, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0291-XA
Address 27 Glen Alpine Road
(Rueter Property)

Zoning Advisory Committee Meeting of May 21, 2012.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

Debra Wiley - Fwd: ZAC Comments - CORRECTION - Distribution Mtg. of May 21

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 5/21/2012 1:18 PM
Subject: Fwd: ZAC Comments - CORRECTION - Distribution Mtg. of May 21
Attachments: ZAC Comments - Distribution Mtg. of June 4th

2012-0291-YA

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Debra Wiley - ZAC Comments - Distribution Mtg. of June 4th

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 5/21/2012 1:11 PM
Subject: ZAC Comments - Distribution Mtg. of June 4th *May 21*

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0284-A - 1955 Joppa Road
No hearing date assigned in data base as of today

2012-0289-A - 2401 Cleanleigh Dr.
No hearing date assigned in data base as of today

2012-0290-A - 13215 Eastern Avenue
Administrative Variance - Closing Date: 6/11

2012-0291-XA - 27 Glen Alpine Rd.
No hearing date assigned in data base as of today

2012-0292-A - 2105 Burdock Rd.
Administrative Variance - Closing Date: 6/11

2012-0293-A - 8 Park Dr.
Administrative Variance - Closing Date: 6/11

2012-0294-A - 10 Flintridge Ct.
Administrative Variance - Closing Date: 6/11

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

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

July 5, 2012

Robert Reuter
27 Glen Alpine Road
Phoenix, MD 21131

RE: Case Number: 2012-0291 XA, Address: 27 Glen Alpine Road, 21131

Dear Mr. Reuter:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 11, 2012. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



Maryland Department of Transportation

Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 5-21-12

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

RE: Baltimore County
Item No 2012-0291-XA
Special Exception Variance
Robert Ruetter
27 Glen Alpine Road.

Dear Ms. Lewis:

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. ~~2012-0291-XA~~.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: May 30, 2012

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 4, 2012
Item Nos. 2012-0284, 0289, 0290, 0291, 0292, 0293
And 0294.

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-06042012-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: June 7, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 27 Glen Alpine Road

INFORMATION:

Item Number: 12-291

Petitioner: Robert Rueter

Zoning: RC 6

Requested Action: Special Exception and Variance

SUMMARY OF RECOMMENDATIONS:

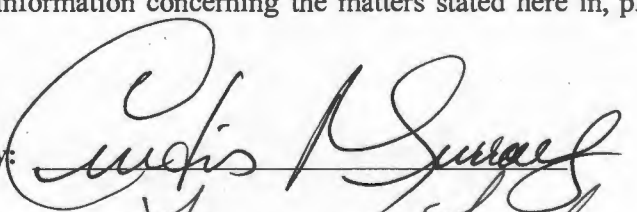
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning **does not** support the petitioner's request for a special exception for a private kennel and variance for a dog run within 30 feet of the property line. The petitioner has requested the above relief in response to a zoning/code violation cited in February of 2012.

This is not the petitioner's primary residence and they do not have to live with the violation or implications thereof on a day-to-day basis. The subject community is suburban in nature and layout despite most lots being about 1.5+ acres. This department feels that the surrounding neighbors should not have to live in close proximity to a large number of dogs, which can result in excessive noise and if not properly looked after, has the potential to be unsanitary.

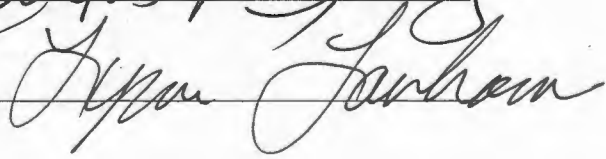
Therefore, the Department of Planning is of the opinion that this is not an appropriate venue for a private kennel and a dog run and that this request will be detrimental to the health, safety, or general welfare of the surrounding community.

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

Prepared by:



Division Chief:
AVA/LL: CM

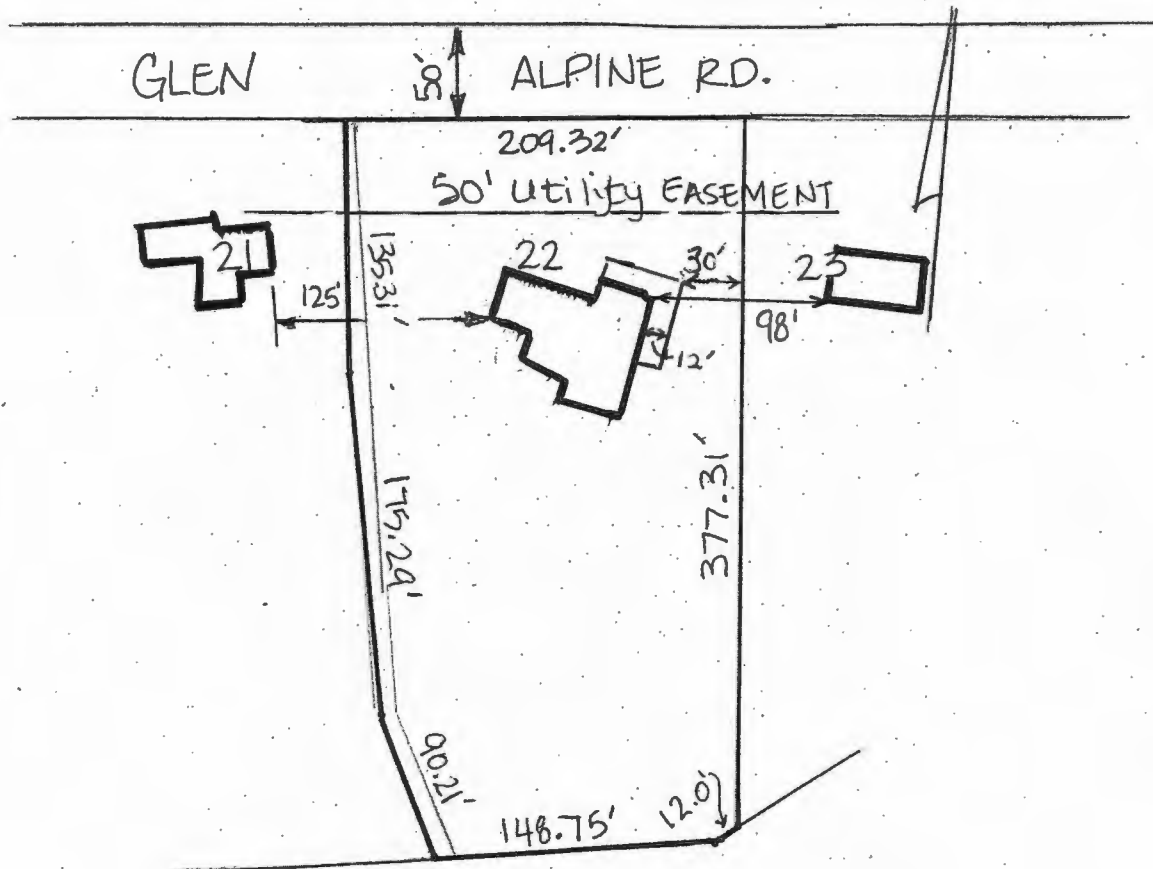


ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 27 Glen Alpine Rd 21131 OWNER(S) NAME(S) Robert Rueter

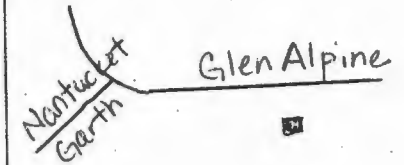
SUBDIVISION NAME Windemere LOT # 22 BLOCK # C SECTION # 5

PLAT BOOK # 33 FOLIO # 133 10 DIGIT TAX # 1600000529 DEED REF. # 31386100334



PLAN DRAWN BY Deborah Schultz DATE 5/5/12 SCALE: 1 INCH = 100' FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE
ZONING MAP# 053A2
SITE ZONED RCL6
ELECTION DISTRICT 11
COUNCIL DISTRICT 3
LOT AREA ACREAGE 1.63 AC
OR SQUARE FEET _____
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC _____ PRIVATE X
SEWER IS:
PUBLIC _____ PRIVATE X
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

0109780

5/1/12