



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

March 1, 2013

Lewis Wilson, Esquire
114 Slade Avenue
Baltimore, Maryland 21208

RE: Petition for Variance
Case No.: 2013-0128-A
Property: 136 Newburg Avenue

Dear Mr. Wilson:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c:

IN RE: PETITION FOR ADMIN. VARIANCE *

(136 Newburg Avenue)

1st Election District

1st Councilmanic District

Paul & Rosemary Dillingham

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0128-A

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Paul & Rosemary Dillingham. The Petitioners are requesting Variance relief from § 104.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an addition in the rear of an existing non-conforming dwelling with a 23' extension in lieu of the permitted 9' (more than 25% extension) of the building so used. The undersigned indicated to counsel & Petitioners that the petition incorrectly sought relief under B.C.Z.R. § 104.3. That regulation concerns "non-conforming uses," which is not at issue here. The property contains a single family dwelling, which is a permitted use in the DR 2 zone. The Petitioners want to construct a small addition (family room) on the rear of the home, and to do so they need variance relief from the bulk and area requirements of the DR 2 zone. The public received the requisite notice that variance relief was being sought, but I will consider the petition under a different section of the B.C.Z.R. than originally invoked by Petitioners.

The subject property and requested relief is more fully depicted on the amended site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

This matter was originally filed as an Administrative Variance, with a closing date of

ORDER RECEIVED FOR FILING

Date

3/1/13

By

Sen

December 31, 2012. On January 7, 2013, the Office of Administrative Hearings requested a formal hearing on this matter.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments submitted from any of the County reviewing agencies.

Appearing at the public hearing in support for this case were Paul and Rosemary Dillingham, property owners and Lewis Wilson, Esquire, who represented the Petitioners. There were no interested citizens in attendance, and the file does not contain any letters of protest or opposition.

Testimony and evidence revealed that the subject property is 18,260 square feet and is zoned DR 2. The property is improved with a single family dwelling (24' x 36') that was constructed in 1924. The Petitioners want to construct a one-story room (24' x 23') at the rear of their home to accommodate their family.

Based upon the testimony and evidence presented, I will grant the request for variance relief. 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).

The Petitioners have met this test. Mr. Dillingham testified that the property is of irregular dimensions, as seen in the location survey admitted as Exhibit 2. The easterly property boundary is 150' and the westerly boundary line is 190' long, yielding a trapezoidal shaped property. In addition, as shown on the survey admitted as Exhibit 3, the rear of the property

ORDER RECEIVED FOR FILING

Date

3/1/13

By

den

slopes downward, from an elevation of 293' at the dwelling to 286' at the rear of the lot. These factors make the property unique. The Petitioners would experience a practical difficulty if the regulations were strictly enforced, since they would be unable to increase their living space to accommodate their three children.

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence, I find that Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 1st day of March, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1B02.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), (1) to permit side yard setback of 8' in lieu of the required 15'; (2) to permit sum of side yard setbacks of 26' in lieu of the required 40'; (3) to permit front yard depth of 32' in lieu of the required 40'; (4) to permit minimum lot width of 50' in lieu of required 100'; and (5) to permit net lot area of 18,260 sq. ft. in lieu of required 20,000 sq. ft., be and is hereby GRANTED.

The relief granted herein shall be subject to and expressly conditioned upon the following:

ORDER RECEIVED FOR FILING

Date

3/1/13

By

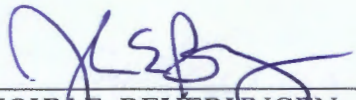
sen

1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order, however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and to be responsible for returning, said property to its original condition.
2. Petitioners must submit for review and approval to the Department of Planning (prior to permit issuance) building elevations or drawings of the proposed addition to ensure that it is compatible with the existing single family dwelling and the neighborhood.

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

Order.

JEB:slh



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 3/1/13

By slh



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 136 Newburg Ave
which is presently zoned DR2

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) 104.3 OF B.C.Z.R.

TO PERMIT AN ADDITION IN THE REAR OF AN EXISTING
NON-CONFORMING DWELLING WITH A 23 FEET EXTENSION IN
LIEU OF THE PERMITTED 9 FEET (MORE THAN 25% EXTENSION)
OF THE BUILDING SO USED.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address

Telephone No.

City

State

Zip Code

Name - Type or Print

Signature

136 Newburg Ave 410-788-4861

Address

Telephone No.

Catonsville Md

21228

City

State

Zip Code

Attorney For Petitioner:

Representative to be Contacted:

Name - Type or Print

Name

Signature

Address

Company

City

Address

Telephone No.

City

State

Zip Code

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 31 day of Dec that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2013-0128-A

Reviewed By AT Date 12/04/12

REV 10/25/01

Estimated Posting Date 12/16/12 - 12/31/12

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

Address 136 Newburg Ave
City Catonsville State MD Zip Code 21228

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We would like to add additional space on the rear of our house due to the fact our family continues to grow. Due to the current DR-2 Zoning we are unable to build the additional space we need.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
Paul W. Dillingham III
Name - Type or Print

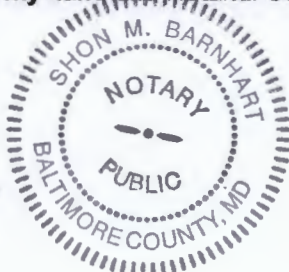
[Signature]
Signature
Rosemary Dillingham
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of November, 2012, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Paul W. Dillingham and Rosemary Dillingham
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public
My Commission Expires 9/9/2015

REV 10/25/01

2013-0128-A

PART A

ZONING PROPERTY DESCRIPTION FOR 136 NEWBURG AVENUE,
CATONSVILLE, MD 21228

Beginning at a point on the ^{West} ~~north~~ ^{North} side of Newburg Avenue which is 50 feet wide at the distance of 286 feet ~~south~~ of the centerline of the nearest improved intersecting street, Pullen Avenue, which is 60 feet wide. CB

PART B

Thence the following courses and distances: (1st POC) N16 50'11" W. 50.00', (2nd POC) N73 09'49" E. 220.17', (3rd POC) N47 56'35" W. 58.40', and (4th POC) S73 09'49" W. 190.00', back to the point of beginning as recorded in Deed Liber (13487), Folio (00356), containing 18,260 square feet. Located in the 1st Election District and 1st Council District. CB

2013-0128-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0128 -A Address 136 NEWBURG AVENUE

Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/04/2012 Posting Date: 12/16/12 Closing Date: 12/31/12

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2013- 0128 -A Address 136 NEWBURG AVENUE
Petitioner's Name PAUL DILLINGHAM Telephone 410.788-4861
Posting Date: 12/16/12 Closing Date: 12/31/12
Wording for Sign: To Permit AN ADDITION IN THE REAR OF AN EXISTING
NON-CONFORMING DWELLING WITH A 23 FEET EXTENSION
IN LIEU OF THE PERMITTED 9FEET (MORE THAN 25%)
OF THE BUILDING SO USED.

Revised 7/06/11

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

No. **92727**

Date: **12/4/12**

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
12/04/2012	12/04/2012	10:30:22	6

REG 0906 WALKIN TTAY TST
 >> RECEIPT # 476539 12/04/2012 CFLN

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$75

Dept 5 528 ZONING VERIFICATION
 REC NO. 092727

Recpt Tot \$75.00
 \$75.00 CK \$1.00 CA
 Baltimore County, Maryland

Total: **\$75**

Rec From:

For:

136 NEWBURG AVE

2013-0128-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 02/08/2013

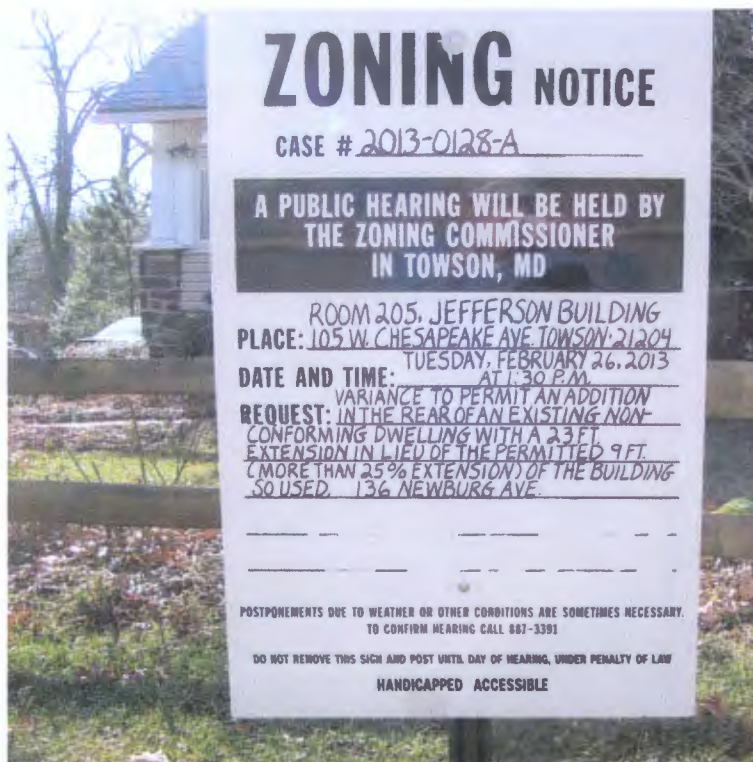
Case Number: 2013-0128-A

Petitioner / Developer: MR. & MRS. DILLINGHAM~CALVIN BOONE

Date of Hearing (Closing): FEBRUARY 26, 2013

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

The sign(s) were posted on: **FEBRUARY 6, 2013**



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12/13/2012

Case Number: 2013-0128-A

Petitioner / Developer: PAUL DILLINGHAM~CALVIN BOONE

Date of Hearing (Closing): DECEMBER 31, 2012

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

The sign(s) were posted on: DECEMBER 13, 2012



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

NOTICE OF PUBLIC HEARING

The Administrative Board of Baltimore County, by

County will hold a public hearing on the proposed property identified herein as follows:

Case: #2013-0128-A

136 Newburg Avenue
W/side of Newburg Avenue, 286 ft. N/of centerline of
Pullen Avenue

1st Election District - 1st Councilmanic District

Legal Owner(s): Paul & Rosemary Dillingham

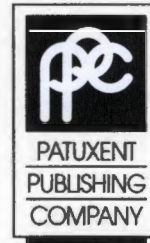
Variance: to permit an addition in the rear of an existing non-conforming dwelling with a 23 ft. extension in lieu of the permitted 9 ft. (more than 25% extension) of the building so used.

Hearing: Tuesday, February 26, 2013 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations 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.
JT 02/601 February 5 902506



501 N. Calvert Street, Baltimore, MD 21278

February 7, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on February 5, 2013.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson



KEVIN KAMENETZ
County Executive

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

January 22, 2013

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: 2013-0128-A

136 Newburg Avenue

W/side of Newburg Avenue, 286 ft. N/of centerline of Pullen Avenue

1st Election District – 1st Councilmanic District

Legal Owners: Paul & Rosemary Dillingham

Variance to permit an addition in the rear of an existing non-conforming dwelling with a 23 ft. extension in lieu of the permitted 9 ft. (more than 25% extension) of the building so used.

Hearing: Tuesday, February 26, 2013 at 1:30 p.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: Mr. & Mrs. Dillingham, 136 Newburg Ave., Baltimore 21228
Calvin Boone, 3817 McDonogh Road, Randallstown 21133

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 6, 2013.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS 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, February 5, 2013 Issue - Jeffersonian

Please forward billing to:
Paul Dillingham
136 Newbury Avenue
Catonsville, MD 21228

410-788-4861

NOTICE OF ZONING HEARING

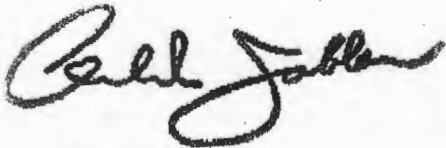
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0128-A

136 Newburg Avenue
W/side of Newburg Avenue, 286 ft. N/of centerline of Pullen Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Paul & Rosemary Dillingham

Variance to permit an addition in the rear of an existing non-conforming dwelling with a 23 ft. extension in lieu of the permitted 9 ft. (more than 25% extension) of the building so used.

Hearing: Tuesday, February 26, 2013 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
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.

Debra Wiley - Fwd: Zoning Case 20013-0128-A 136 Newburg Avenue Catonsville, MD 21228

From: John Beverungen
To: Debra Wiley
Date: 4/5/2013 10:04 AM
Subject: Fwd: Zoning Case 20013-0128-A 136 Newburg Avenue Catonsville, MD 21228
Attachments: 201304041405.pdf

>>> Curtis Murray 04/04/13 2:18 PM >>>
Rosemary,

Pursuant to our conversation on April 4, 2013, attached you will find a copy of the notification from the Department of Planning regarding the proposed addition you wish to add to your home. As stated in the inter-office correspondence, elevations of the proposed addition were reviewed and approved by this department. Should you have any questions or concerns, do not hesitate to contact me.

Best Regards,

Curtis J. Murray
Development Planner
Baltimore County Department of Planning
105 W. Chesapeake Avenue, Suite 101
Towson, MD 21204
Phone (410) 887-3480
Fax (410) 887-5862
cjmurray@baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

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

January 3, 2013

Paul Dillingham
136 Newberg Avenue
Catonsville, MD 21228

RE: Case Number: 2013-0128 A, Address: 136 Newberg Avenue, 21228

Dear Mr. Dillingham:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 4, 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 that reads "W. Carl Richards, Jr." The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Calvin Boone, 3817 McDonogh Road, Randallstown MD 21133

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-13-12

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

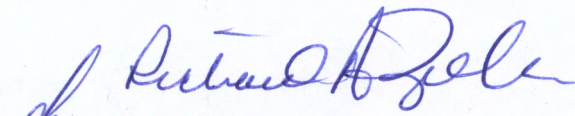
RE: Baltimore County
Item No 2013-0128-A
Administrative Variance
Paul & Rosemary Dillingham
136 Newburg Avenue

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. 2013-0128-A.

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,


Steven D. Foster, Chief
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 17, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2012
Item Nos. 2013-0124, 0125, 0126, 0128, 0129, 0130 and 0131.

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

DAK:CEN
Cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 28, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 136 Newburg Avenue

INFORMATION:

Item Number: 13-128

Petitioner: Rosemary and Paul Dillingham

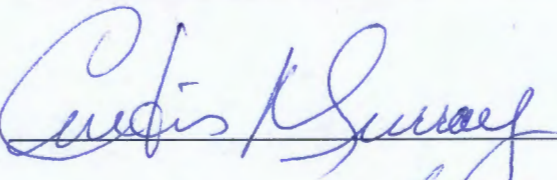
Zoning: DR 2

Requested Action: Administrative Variance

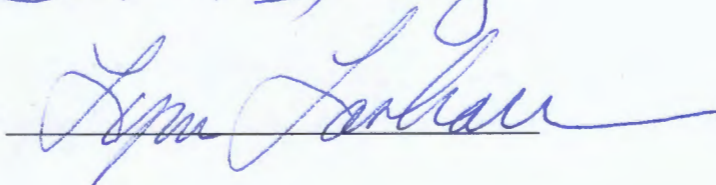
The Department of Planning reviewed the petitioner's request, accompanying site plan and had no comment regarding the petitioner's request. The relief granted on March 1, 2013 by Judge Beverungen was in part conditioned upon the review and approval of building elevations by the Department of Planning.

This department has reviewed elevation drawings of the proposed addition and finds the proposal to be appropriate for the subject lot and does not appear to negatively impact the surrounding community. In sum, this department supports the request.

Prepared By:



Division Chief:



CM/LL

RECEIVED

APR 04 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: January 7, 2013

TO: Kristen Lewis, Office of Zoning Review
Dept. of Permits, Approvals and Inspections

FROM: Debbie Wiley *Debbie Wiley*
Office of Administrative Hearings

RE: Petition for Administrative Variance – Closing: 12/31/12
Case No. 2013-0128-A – 136 Newburg Avenue

After a review of the above-captioned case file, Judge Lawrence M. Stahl has determined that this case shall be set in for a public hearing. This is partially due to a comment received from People's Counsel as follows:

“ . . . the request (to expand a non-conforming structure by more than 25%) was inappropriate for an admin. variance.”

We are returning the file to you for further processing, i.e., notifying the Petitioners, posting of the hearing notice, advertising, etc.

Thank you for your attention and cooperation in this matter.

c: Case File
June Fisher, Zoning Review Office

Debra Wiley - 2013-0128-A - 136 Newburg Ave. (Closing Date: 12/31)

From: Debra Wiley
To: Fisher, June; Lewis, Kristen
Date: 1/8/2013 9:11 AM
Subject: 2013-0128-A - 136 Newburg Ave. (Closing Date: 12/31)
Attachments: IO-2013-0128-AV hearing needed nonconforming inapprop for AV.doc

Good Morning,

Please see attached memo regarding request for formal demand by Judge Stahl. The file has been placed in the pick-up box for further processing.

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

Larry - please see comm. below from Peter Zimmerman and

Debra Wiley - Re: admin variance--136 Newburg Ave.

From: Debra Wiley
To: Beverungen, John
Date: 12/13/2012 1:16 PM
Subject: Re: admin variance--136 Newburg Ave.

AV-
12/31 closing date
Paul & Rosemary Dillingham

advise how you'd like to proceed.

Deb.

Thanks, I'll be sure to look out for this.

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

>>> John Beverungen 12/13/2012 1:02 PM >>>

This case # is 2013-128. Peter Zimmerman stopped in today and said he got a copy of the petition, and felt the request (to expand a non-conforming structure by more than 25%) was inappropriate for an admin. variance. Just wanted to pass this along as an FYI.

John.

RE: PETITION FOR ADMINSTRATIVE * BEFORE THE OFFICE
 VARIANCE *
 136 Newburg Avenue; W/S Newburg * OF ADMINSTRATIVE
 Avenue, 286' N of c/line Pullen Avenue * HEARINGS FOR
 1st Election & 1st Councilmanic Districts * BALTIMORE COUNTY
 Legal Owner(s): Paul & Rosemary Dillingham *
 Petitioner(s) *
 * 2013-128-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.

RECEIVED

DEC 14 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 14th day of December, 2012, a copy of the foregoing Entry of Appearance was mailed to Calvin Boone, 3817 McDonogh Road, Randallstown, MD 21133, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

MEMORANDUM

DATE: April 3, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0128-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 1, 2013. 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

CASE NAME 136 Newburg Ave.
CASE NUMBER 2013-128-A
DATE 2-26-13

[illegible]

CASE NO. 2013-

0128-A

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

12/17/12

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

NO/C

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)

12/13/12

STATE HIGHWAY ADMINISTRATION

NO Obj.

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

2/5/13

SIGN POSTING

Date:

2/6/13

by

G. Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Case No.:

2013-128-A

Exhibit Sheet

192
4-3-13

sun
3-1-13

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Location Drawing	
No. 3	Location Survey	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

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

Account Identifier:

District - 01 Account Number - 0118102600

Owner Information

Owner Name:	DILLINGHAM PAUL W 3RD DILLINGHAM ROSEMARY C	Use:	RESIDENTIAL
Mailing Address:	136 NEWBURG AVE BALTIMORE MD 21228-5111	Principal Residence:	YES
		Deed Reference:	1) /13487/ 00356 2)

Location & Structure Information

Premises Address
136 NEWBURG AVE
0-0000

Legal Description
136 NEWBURG AVE
200FT NW PULLEN AVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0101	0014	1172		0000				1	
									Plat Ref:

Special Tax Areas

Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1924	1,366 SF	18,260 SF	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	160,500	121,500		
Improvements:	140,200	135,400		
Total:	300,700	256,900	300,700	256,900
Preferential Land:	0			0

Transfer Information

Seller:	DILLINGHAM PAUL W,3RD	Date:	01/29/1999	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/13487/ 00356	Deed2:	
Seller:	KORST GREGORY M	Date:	01/03/1996	Price:	\$190,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/11372/ 00520	Deed2:	
Seller:	SCHWARTZ MARTIN R	Date:	05/20/1992	Price:	\$167,600
Type:	NON-ARMS LENGTH OTHER	Deed1:	/09182/ 00545	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
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

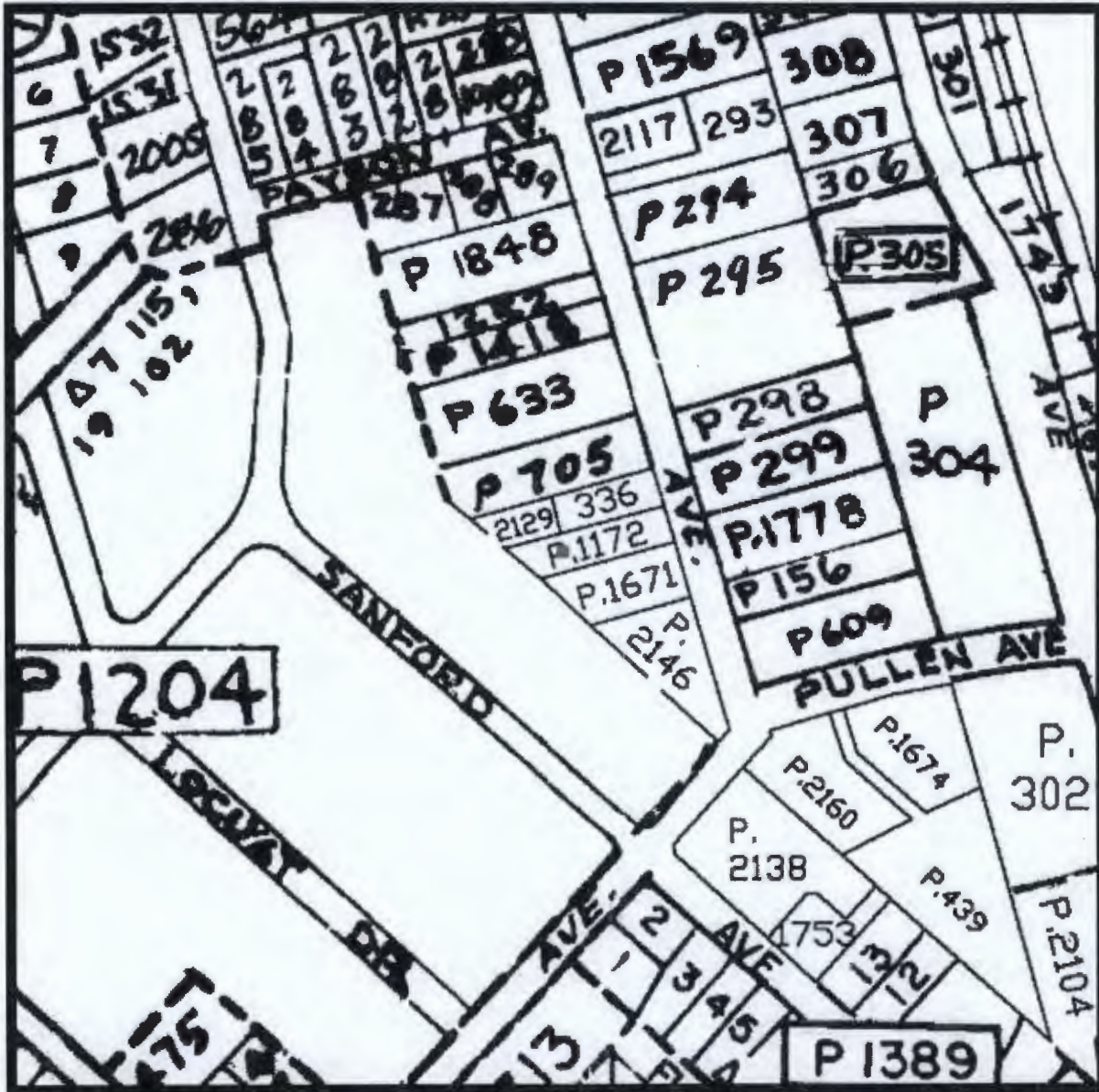
Homestead Application Status: Approved 08/28/2012



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

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

District - 01 Account Number - 0118102600

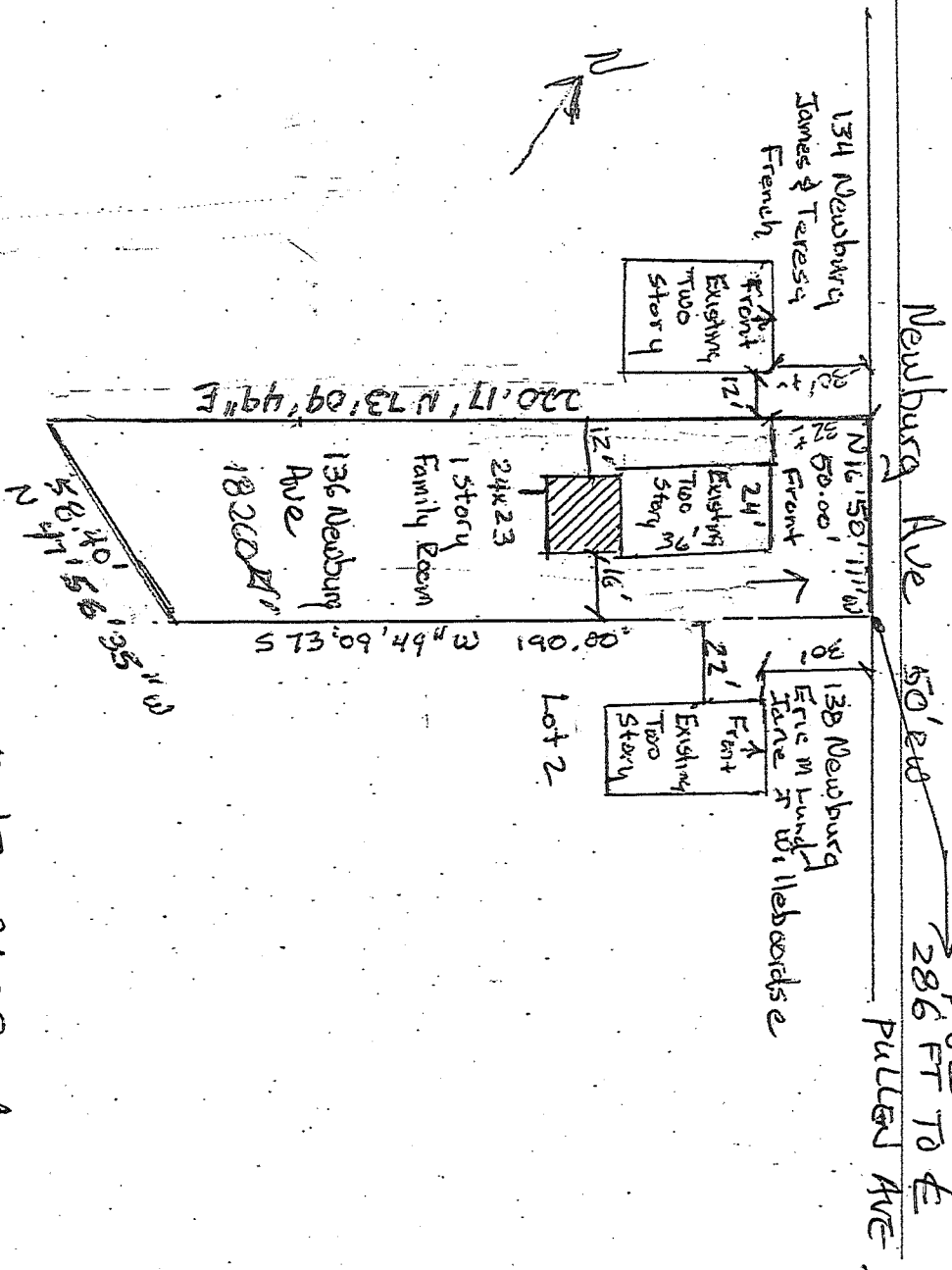


The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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.

ADDITIONAL CASE INFO:

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
 ADDRESS 136 Newburg Ave OWNER(S) NAME(S) Paul & Rosemary Dillingham
 SUBDIVISION NAME _____ LOT # _____ BLOCK # _____ SECTION # _____
 PLAT BOOK # _____ FOLIO # ~~256~~ 10 DIGIT TAX # 011870260 DEED REF. # 13487100356



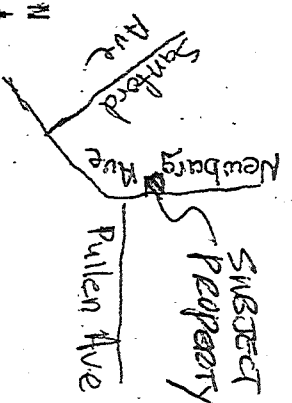
PLAN DRAWN BY Valvin Boone DATE 12/3/12 SCALE: 1 INCH = 50 FEET



2013-0128-A

UB

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 101A2

SITE ZONED DR 2

ELECTION DISTRICT 1

COUNCIL DISTRICT 1

LOT AREA ACREAGE N/A

OR SQUARE FEET 18260

HISTORIC? No

IN CECA? No

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? No

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

N/A

N/A

VIOLATION CASE INFO:

N/A