

KEVIN KAMENETZ County Executive

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

March 14, 2013

Craig R. Dranbauer Mary Jo Dranbauer 4 Brooke Court Baltimore, Maryland 21212

RE:

Petition for Variance

Case No.: 2013-0149-A

Property: 3721 Middle River Avenue

Dear Mr. and Mrs. Dranbauer:

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,

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure

c: Douglas & Bonnie Huppert, 3805 Middle River Avenue, Baltimore, MD 21220 James A. Oliff, 3715 Middle River Avenue, Baltimore, MD 21220

March 14, 2013

Craig R. Dranbauer Mary Jo Dranbauer 4 Brooke Court Baltimore, Maryland 21212

RE: Petition for Variance

Case No.: 2013-0149-A

Property: 3721 Middle River Avenue

Dear Mr. and Mrs. Dranbauer:

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,

LAWRENCE M. STAHL Managing Administrative Law Judge for Baltimore County

LMS:dlw Enclosure

Douglas & Bonnie Huppert, 3805 Middle River Avenue, Baltimore, MD 21220
 James A. Oliff, 3715 Middle River Avenue, Baltimore, MD 21220
 David Billingsley, Central Drafting and Design, Inc., 601 Charwood Court, Edgewood, MD 21040

added gudge Signing.

Debu

IN RE: PETITION FOR VARIANCE (3721 Middle River Avenue)

15<sup>th</sup> Election District
6<sup>th</sup> Councilman District
Craig R. & Mary Jo Dranbauer
Petitioners

BEFORE THE OFFICE

**OF ADMINISTRATIVE** 

**HEARINGS FOR** 

**BALTIMORE COUNTY** 

CASE NO. 2013-0149-A

#### ORDER OF DISMISSAL

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Craig R. & Mary Jo Dranbauer, the legal owners of the subject property. The Petitioners are requesting Variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory use (swimming pool) to be located in the front yard in lieu of the required rear yard. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Prior to the public hearing scheduled for Wednesday, March 13, 2013, the undersigned received a written request from David W. Billingsley, on behalf of the Petitioners, indicating Petitioners were withdrawing their variance request. Whereas, the matter shall be dismissed.

THEREFORE, IT IS ORDERED, this <u>14<sup>th</sup></u> day of March, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory use (swimming pool) to be located in the front yard in lieu of the required rear yard, be and is hereby DISMISSED without prejudice.

ORDER	RECEIVED FOR FILING	
Date	3-14-13	_
Ву	pu)	

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

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

ORDER	RECEI	/ED F	FOR	FILING
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PETITION FOR ZONING HEARING(S)

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 3721 MIDDLE RIVER AYENUE

which is presently zoned

OR 3.5

Address 3121 MIUDEL MYEN AYE	
Deed References: L. 37147 F. 157	10 Digit Tax Account # 150 4 6 5 0 6 9 0
Property Owner(s) Printed Name(s) CRATO	R. AND MARY JO ORANBAUTER
(SELECT THE HEARING(S) BY MARKING $\underline{X}$ AT THE APPRO	PRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)
The undersigned legal owner(s) of the property situate i	in Baltimore County and which is described in the description
	ade a part hereof, hereby petition for:
1 a Special Hearing under Section 500 7 of the Zor	ning Regulations of Baltimore County, to determine whether
or not the Zoning Commissioner should approve	mig regulations of baltimore county, to determine whether
or working commissions onound approve	
2a Special Exception under the Zoning Regulation	ns of Baltimore County to use the herein described property for
3. X a Variance from Section(s) ACC / TO PA	ERMIT ANACCESSORY USE (SWIMMING ONT YARO IN LIEU OF THE REQUIRED
POOL TO BE LOCK TOO WE THE FOR	TAIT ANACCOURT LISE (SWIMMING
PUVL) TO BE LOCATED IN THE FAC	AT TAND IN LIEU OF THE REQUIRED
REAR YARD.	
f	
	zoning law of Baltimore County, for the following reasons:
	or indicate below "TO BE PRESENTED AT HEARING". If
you need additional space, you may add an attachm	ient to this petition)
Property is to be posted and advertised as prescribed by the zoning regular or we, agree to pay expenses of above petition(s), advertising, posting	urations. I, 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.
.egal Owner(s) Affirmation: I / we do so solemnly declare and affirm, usually the subject of this / these Petition(s).	under the penalties of perjury, that I / We are the legal owner(s) of the property
months and sadjour of and sales a called (3).	
Contract Purchaser/Lessee:	Legal Owners (Petitioners):
	CRAIGR. DRANBAUER, MARY JO DRANBAUER
Name- Type or Print	Name #1 - Type or Print / Name #2 - Type or Print
Tarios Type of Fina	O D K
	Cion Forman I Mas & Omor
signature	Signature #1 Signature #2
	4 BROOKE CT. BALTO MO.
failing Address City State	Mailing Address City State
	2/2/2 (410)547-3010 abreatty. com
in Code Telephone# Address	Zip Code Telephone # Email Address
Attorney for Petitioner: FOR FILE Address	The same of the sa
Attorney for Petitioner:	Representative to be contacted:
DECENTER	
TOER HILL	Representative to be contacted:  DAVID BILLINGSLEY  CENTRAL DESCRIPTION OF SIGNATURE
	CENTRAL DRAFTING AND DESIGN, INC.
Note: Type or Print	CENTRAL DRAFTING AND DESIGN, INC.  Name Type or Print
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ign <del>olate</del>	Name Type or Print  Signature  GOI CHARWOOD CT. EDGEWOOD MD

CASE NUMBER 2613-6149-# Filling Date 1213 Do Not Schedule Dates:

### **ZONING DESCRIPTION**

#### **3721 MIDDLE RIVER AVENUE**

Beginning at a point on the south side of Middle River Avenue (40 feet wide), distant 135 feet easterly from its intersection with the center of Patapsco Avenue (20 feet wide) thence being all of Lot 69 as shown on the plat entitled Long Beach Estates recorded among the Baltimore County plat records in Plat Book 4 Folio 131.

Containing 16,478 square feet or 0.378 acre of land, more or less.

Being known as 3721 Middle River Avenue. Located in the 15<sup>TH</sup> Election District, 6<sup>TH</sup> Councilmanic District of Baltimore County, Maryland.

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Item Numb	per or Case Number: 20/3-014	-9 - A
Petitioner:	CRAIG ORANBAUER	
Address or	Location: 3721 MIDDLE R	IYER AYE
	CRAIG DRANGAUER	
Address: _	4 BROOKE CT. BALTO-, MO. ZIZIZ	

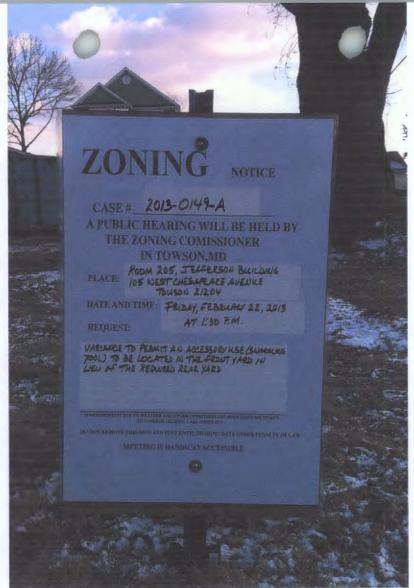
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## ERTIFICATE OF POSTING



GERALISTONIS	OF POSTING
	RE: CASE NO: 2013-0149-A
	PETITIONER/DEVELOPER
	DAVE BILLINGSLEY
	DATE OF HEARING/CLOSING:
	2/22/13
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 CERITFY UNDER THE NECESSARY SIGN(S) REQUIRED BY LAW WEST PROPERTY AT 37	
THIS SIGN(S) WERE POSTED ON For (MON	ruary 1, 2013 ITH, DAY, YEAR)
s	Martin Ode 2/1/13
s	SIGNATURE OF SIGN POSTER AND DATE:
	MARTIN OGLE

(SIGN POSTER) 60 CHELMSFORD COURT BALTIMORE, MD 21220 (ADDRESS) PHONE NUMBER: 443-629-3411



marlangle 2/1/13



KEVIN KAMENETZ County Executive

January 14, 2013

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

#### 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: 2013-0149-A

3721 Middle River Avenue

S/s Middle River Avenue, 135 ft. E/of intersection with Patapsco Avenue

15<sup>th</sup> Election District – 6<sup>th</sup> Coucilmanic District

Legal Owners: Craig & Mary Dranbauer

Variance to permit an accessory use (swimming pool) to be located in the front yard in lieu of the required rear yard.

Hearing: Friday, February 22, 2013 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director

AJ:kl

C: Mr. & Mrs. Dranbauer, 4 Brooke Ct., Baltimore 21212 David Billingsley, 601 Charwood Court, Edgewood 21040

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., FEBRUARY 2, 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

Thursday, January 31, 2013 Issue - Jeffersonian

Please forward billing to:

Craig Dranbauer 4 Brooke Court Baltimore, MD 21212 410-547-3010

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Director of Permits, Approvals and Inspections for Baltimore County

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Patapsco Avenue 15th Election District - 6th Councilmanic District

Legal Owner(s): Craig & Mary Dranbauer

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

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.



501 N. Calvert Street, Baltimore, MD 21278

January 31, 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 January 31, 2013.

	, , , , , , , , , , , , , , , , , , , ,
X	The Jeffersonian
	Arbutus Times
	Catonsville Times
	Towson Times
	Owings Mills Times
	NE Booster/Reporter
	North County News
	PATUXENT PUBLISHING COMPANY
	By: Susan Wilkinson

Sugar Wilkinson



KEVIN KAMENETZ County Executive

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

February 13, 2013

Craig & Mary Jo Dranbauer 4 Brooke Court Baltimore MD 21212

RE: Case Number: 2013-0149 A, Address: 3721 Middle River Avenue

Dear Mr. & Ms. Dranbauer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 2, 2013. 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,

U. Cal Rishal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Darrell B. Mobley, Acting Secretary Melinda B. Peters, Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-11-13

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

RE: Baltimore County

Item No 2013-0149-A

Variouseo Many To Dranbouer 3721 Middle River 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. 2013 0149-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

DATE: January 14, 2013

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For January 21, 2013 Item No. 2013-0149

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 8.5 feet [NAVD 88].

The flood protection elevation is 9.5 feet.

DAK:CEN cc: file

ZAC-ITEM NO 13-0149-01212013.doc

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**

RECEIVED

MAR 08 2013



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:

March 8, 2013

SUBJECT:

DEPS Comment for Zoning Item

# 2013-0149-A - REVISED

Address

3721 Middle River Road (Dranbauer Property)

Zoning Advisory Committee Meeting of January 7, 2012.

DEPS 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:

 Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

This waterfront property is located in a Limited Development Area (LDA) and a Buffer Management Area (BMA) within the Chesapeake Bay Critical Area. Development of this property must comply with a maximum lot coverage limit of 31.25% with mitigation for any lot coverage amount over 25%, must meet BMA requirements for development within the 100-foot tidal buffer, and must meet a 15% tree cover requirement. DEPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed pool addition and decking can be minimized provided lot coverage limits are met and mitigation is provided pursuant to Critical Area requirements. Mitigation requirements may include planting of native trees and shrubs or removal of existing lot coverage within the property limits.

2. Conserve fish, wildlife, and plant habitat;

The proposed pool and decking will be located within the 100-foot tidal buffer. As a result, the proposed development activity must comply with the BMA requirements. Compliance with these requirements will result in the performance

C:\DOCUME~1\snuffer.BCG\LOCALS~1\Temp\XPgrpwise\ZAC 13-0149-A 3721 Middle River Road - Revised.doc

of mitigation activities that will help improve the health of the Chesapeake Bay and conserve fish, wildlife, and plant habitat. Since no structures associated with the pool and decking are proposed within 25 feet of the water, a variance for this development is not required.

3. Be consistent with established land use policies 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;

In order to construct the pool and decking, the property owner must adhere to the Critical Area requirements regarding lot coverage, locating structures within the 100-foot tidal buffer, and the percentage of tree cover on the property. If these requirements are satisfied, the proposed development will be consistent with established land use policies for development in the Chesapeake Bay Critical Area.

Reviewer: Gris Batchelder - Environmental Impact Review

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**



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:

February 22, 2013

SUBJECT:

DEPS Comment for Zoning Item

# 2013-0149-A

Address

3721 Middle River Road (Dranbauer Property)

Zoning Advisory Committee Meeting of January 7, 2012.

DEPS 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:

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This waterfront property is located in a Limited Development Area (LDA) and a Buffer Management Area (BMA) within the Chesapeake Bay Critical Area. Development of this property must comply with a maximum lot coverage limit of 31.25% with mitigation for any lot coverage amount over 25%, must meet BMA requirements for development within the 100-foot tidal buffer, and must meet a 15% tree cover requirement. A detailed site plan showing lot coverage calculations must be submitted to determine whether the property meets the lot coverage requirements. The northeast side of the proposed pool is located within 25 feet of the water. According to the BMA Regulations, structures cannot be located within 25 feet of the water without variance approval. Since the proposed pool location does not meet BMA requirements, the proposed activity will not minimize adverse impacts on water quality from pollutants discharged from structures or conveyances.

RECEIVED

FEB 2 2 2013

2. Conserve fish, wildlife, and plant habitat;

The BMA Regulations do not allow structures to be located within 25 feet of the water without variance approval. Locating the pool within 25 feet of the water eliminates the amount of vegetative cover immediately adjacent to the Bay that helps prevent runoff and reduce sedimentation and filter pollutants. Therefore, the loss of vegetative cover associated with the pool will result in the degradation of fish, wildlife, and plant habitat.

3. Be consistent with established land use policies 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;

The proposed pool is located within 25 feet of the water. Structures are not allowed within 25 feet of the water in a BMA without variance approval, and no variance approval has been granted for the location of this pool. As a result, the proposed pool addition based on the site plan is not in compliance with the Chesapeake Bay Critical Area Regulations.

Reviewer: Gris Batchelder Date: February 22, 2013

#### **BALTIMORE COUNTY, MARYLAND**

#### Inter-Office Memorandum

DATE: March 14, 2013

TO: Kristen Lewis, Office of Zoning Review

Department of Permits, Approvals & Inspections (PAI)

FROM: Lawrence M. Stahl, Managing Administrative Law Judge

Office of Administrative Hearings

RE: Petition for Variance – 03/13/13 Hearing

Case No. 2013-0149-A - 3721 Middle River Avenue

Prior to the hearing, I received a written request from David W. Billingsley, on behalf of the Petitioners, indicating they were withdrawing their variance request.

A few members of the community visited our office at the time of the scheduled hearing, however, they were not aware that the matter had been withdrawn. In the event this matter gets rescheduled, please notify the following:

- Douglas & Bonnie Huppert, 3805 Middle River Avenue, Baltimore, MD 21220
- James A. Oliff, 3715 Middle River Avenue, Baltimore, MD 21220

Thank you for your attention and cooperation in this matter.

c: Office of People's Counsel



#### Debra Wiley - Re: 2013-0149-A - 3/13/13 Hearing

From:

Debra Wiley

To:

Lewis, Kristen

Date:

3/14/2013 11:28 AM

Subject: Re: 2013-0149-A - 3/13/13 Hearing

#### 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

>>> Kristen Lewis 3/14/2013 11:26 AM >>> Hi Debbie,

Ok thank you. I will let you know if I hear anything on this end about any possible rescheduling. Thanks,

#### Kristen

>>> Debra Wiley 3/14/2013 11:24 AM >>> Hi Kristen,

The above-referenced hearing was scheduled yesterday. Prior to the hearing, Larry received a written request from David Billingsley indicating the Petitioners were withdrawing their request. At the time of drop-off, Mr. Billingsley indicated that perhaps the Petitioners could work on a solution with their neighbors.

A few members of the community visited our office at the time of the scheduled hearing, however, they were not aware that the matter had been withdrawn.

Our office has prepared an Order of Dismissal (Dismissed without prejudice) dated today and will retain the file for the 30-day appellate process.

The attached interoffice memorandum has been placed in the file folder, however, Larry wanted to bring this to your attention (in advance) in the event this matter gets rescheduled.

Thanks in advance.

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





From:

Debra Wiley

To:

Lewis, Kristen

Date:

3/14/2013 11:24 AM

Subject:

2013-0149-A - 3/13/13 Hearing

CC:

Nuffer, Sherry

**Attachments:** 

Message from "zoneprt1"

Hi Kristen,

The above-referenced hearing was scheduled yesterday. Prior to the hearing, Larry received a written request from David Billingsley indicating the Petitioners were withdrawing their request. At the time of drop-off, Mr. Billingsley indicated that perhaps the Petitioners could work on a solution with their neighbors.

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Thanks in advance.

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 Mr. John Beverungen Office of Administrative Hearings Case #2013-0149A 105 Chesapeake Avenue, Suite 103 Towson, Maryland 21204

Re: Case No. 2013-0149-A

Dear Sir:

What makes our home special is the view of the river.

As a community it is the river we want to see from our front yards. A pool and the distraction and environmental impact that goes with a pool will lesson that pleasure and encourage others to do the same.

Please say no to a front yard pool.

Sincerely,

Douglas & Bonnie Huppert Lots 70-71 3805 Middle River Avenue Baltimore, Maryland 21220

RECEIVED

MAR 07 2013

OFFICE OF ADMINISTRATIVE HEARINGS





#### Administrative Hearings - Case # 2013-0149A

From:

James Oliff < jimoliff@hotmail.com>

To:

<administrativehearings@baltimorecountymd.gov>

Date:

3/10/2013 1:36 PM Subject: Case # 2013-0149A

> James A. Oliff 3715 Middle River

Ave

Middle River, MD 21220

To: Mr. John Beverungen Office of Administrative Hearings 105 Chesapeake Avenue Towson, MD 21204

Re: Case # 2013-0149A

March 6,

2013

Dear Mr. Beverungen:

I own the property at 3715 Middle River Avenue, Middle River, MD 21220 next to 3721 Middle River Avenue. I understand that the 3721 property owners have requested a variance to install a swimming pool (and likely surrounding fence) between the house and waterfront.

I am writing this letter to inform you that I object to the requested variance, and request that it be denied, because it will 1) disrupt my normal quiet enjoyment of my property throughout my day and possibly into the evening and night (because of the pool activities) and block water views from the water side of my house and porch, and 2) further decrease the value of my property. The 3721 house, as built, already dwarfs each of the adjacent homes and thus also negatively impacts the quiet enjoyment and value of both homes.

I did not object earlier because I was not aware of the requested variance until Saturday, February 23 when I returned from a two week business trip to Japan and saw for the first time the sign posted on the 3721 property.

I understand that another hearing has been set for Wednesday, March 13th at 1:30 p.m. Although I would like to attend, I cannot because I have another business meeting at that time with a visiting foreign client, which cannot be rescheduled.



0

I thank you for your consideration and can be reached any time at 703-371-2981.

Very truly yours,

James A. Oliff 3715 Middle River Ave Middle River, MD

703-371-

21220

2981

#### Debra Wiley - Fwd: 3721 Middle River Avenue Case No. 2013-0149-A

From:

Lawrence Stahl

To:

Wiley, Debra

Date:

2/25/2013 10:14 AM

Subject:

Fwd: 3721 Middle River Avenue Case No. 2013-0149-A

Attachments:

3721 Middle River Avenue Case No. 2013-0149-A

Lawrence M. Stahl Managing Administrative Law Judge **Baltimore County** Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson MD 21204 410-887-3868 Istahl@baltimorecountymd.gov

CONFIDENTIALITY NOTICE: The information privileged and confidential. It may also be subject proprietary information. This information is intendintended recipient, you are hereby notified that a addressee(s)), copying or taking of any action be-

sion is legally vork product or ou are not the her than to the

#### Debra Wiley - 3721 Middle River Avenue Case No. 2013-0149-A

From: David Billingsley <dwb0209@yahoo.com>

To: Lawrence Stahl < lstahl@baltimorecountymd.gov>

Date: 2/23/2013 3:03 PM

Subject: 3721 Middle River Avenue Case No. 2013-0149-A

#### Judge Stahl

I spoke to Kristin on Friday and she was able to set the continued hearing for Wednesday, March 13TH at 1:30. Thanks for your cooperation.

Dave Billingsley Central Drafting and Design, Inc. (410) 679-8719 Office (410) 458-1401 Cell

#### Sherry Nuffer - Re: 2013-0149-A

From:

Jeffrey Livingston

To:

Nuffer, Sherry

Date:

2/15/2013 9:24 AM

Subject:

Re: 2013-0149-A

Duly noted. I'll get it to you.

Thanks for the heads up.

Jeff

>>> Sherry Nuffer 2/14/2013 12:04 PM >>>

Jeff,

In reviewing the case file it appears there is no ZAC comment from your department; CBCA area. Hearing Date is 2/22/13 @ 1:30.

Thanks,

Sherry

Sherry Nuffer Legal Assistant Office of Administrative Hearings 105 W. Chesapeake Avenue Room 103 Towson, Maryland 21204 410-887-3868 Fax: 410-877-3468 Maryland Department of Assessments and Taxation Real Property Data Search (vw6.2A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent
Redemption
GroundRent
Registration

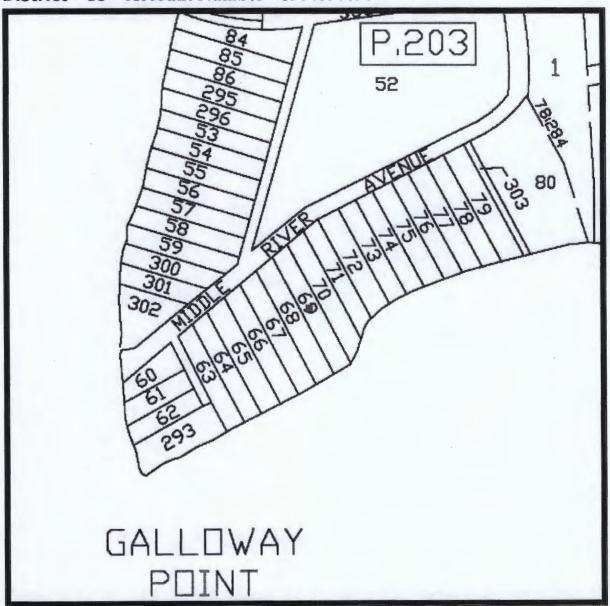
Account Identifier:		District - 15 Acco			U				
•			Owner Inform	nation					
Owner Name:		AUER CRAIG R		Use:				RESIDENT	IAL
	-			al Resid			NO		
Mailing Address:	4 BROC BALTIN	NE CT MORE MD 21212-12	203	Deed R	eference	<u>:</u>	1) /32147/ 00157 2)		
	( - )	Locat	ion & Structur	e Information	n				
Premises Address		4.,		Legal Des	cription				
3721 MIDDLE RIVER AVE	Ξ								
0-0000			Waterfee	- LONG DE	CHECT	ATES			
			wateriro	nt LONG BEA	ACH EST				
Map Grid Parce	el Sub District	Subdivision	Section	Block	Lot	Assessment Area		Plat No:	
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0098 0004 0203		0000			09			Ref:	0131
		Town	NON	E					
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		Tax Class							
Primary Structure Built		Enclosed Are	<u>a</u>	Property	Land A	rea	(	County Use	
				16,200 SF			34		
Stories Basement	Type Exter	rior							
			Value Inform	nation					
	Base Value	Value	Phase-in Ass	sessments					
		As Of	As Of	As Of					
5 4		01/01/2012	07/01/2012	07/01/20	13				
Land	244,500	263,000							
Improvements:	28,000	20,200							
Total:	272,500	283,200	276,067	279,633					
Preferential Land:	0			0					
el/ inc. account			Transfer Info	rmation					
Seller: DRANBAUER				Date:	06/05/2		Price:	\$0	
Type: NON-ARMS I	ENGTH OTHER			Deed1:	/32147	/ 00157	Deed2:		
Seller: DRANBAUER	LOUIS F			Date:	09/23/	2002	Price:	\$0	
Type: NON-ARMS L	ENGTH OTHER			Deed1:	/16853	/ 00435	Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
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Partial Exempt Assessm	ients			Class		07/01/2012		07/01/2013	3
County				000		0.00			
State				000		0.00			
Municipal				000		0.00		0.00	
Tax Exempt:						Special T	ax Recar	ture:	
Exempt Class:							NONE		
		Home	stead Applicati	on Information	on				



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

Go Back View Map New Search

District - 15 Account Number - 1504650690



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.

RE: PETITION FOR VARIANCE

3721 Middle River Road; S/S Middle River
Road, 135' E intersection Patapsco Avenue

15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts
Legal Owner(s): Craig & Mary Jo Dranbauer

Petitioner(s)

- BEFORE THE OFFICE
- OF ADMINSTRATIVE
- HEARINGS FOR
- \* BALTIMORE COUNTY
- \* 2013-149-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 Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Cante S Demlio

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

RECEIVED

JAN 08 2013

\*\*\*\*\*\*\*\*\*\*\*\*

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of January, 2013, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Per Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

#### MEMORANDUM

DATE:

April 16, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

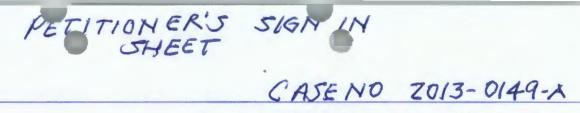
RE:

Case No. 2013-0149-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 15, 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



	37ZI MIDDLE RIYER AYE
	FEB 22, 2013
DAVID BI	LLINGSLEY GOI CHARWOOD CT EDGEWOOD, MD. Z1040
	NBAUER 4 BROOKE CT BALTO MD. ZIZIZ
	·

# CENTRAL DRAFTING AND DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MARYLAND 21040

(410) 679-8719 FAX (410) 679-1298

March 13, 2013

Hon. Lawrence M. Stahl, Managing Administrative Law Judge Office of Administrative Hearings Jefferson Building 105 West Chesapeake Avenue Towson, Md. 21204

RECEIVED

MAR 1 3 2013

**OFFICE OF ADMINISTRATIVE HEARINGS** 

RE: CASE NO. 2013-0149-A 3721 MIDDLE RIVER AVENUE

Dear Judge Stahl:

On behalf of the petitioners, Craig R. and Mary Jo Dranbauer, I am requesting that the referenced petition for variance be withdrawn.

Thank you for your cooperation in this matter.

Tand W Bellingsley

Very truly yours,

David W. Billingsley

Cc: Craig R. and Mary Jo Dranbauer

Support/Oppose/

## CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
414/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	<u> </u>
2/22/13	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
411413	STATE HIGHWAY ADMINISTRATION	NO Oby
	TRAFFIC ENGINEERING	
ZONING VIOLA	ADJACENT PROPERTY OWNERS  TION (Case No	
	Date: 13113 Date: 21113	by Ogle
EOPLE'S COUN	SEL APPEARANCE Yes No L SEL COMMENT LETTER Yes No L	



NE:1:K

## **PETITIONER'S EXHIBITS**

## 3721 MIDDLE RIVER AVENUE CASE NO. 2013-0149-A

- 1. PLAT TO ACCOMPANY PETITION FOR VARIANCE DATED DECEMBER 22, 2012
- 2. SDAT REAL PROPERTY DATA SEARCH
- 3. DEED OF RECORD L.32147 F.157
- 4. PLAT OF PLAN C OF LONG BEACH ESTATES P.B. 4 F. 131
- 5. AERIAL PHOTO
- 6a 6h. PHOTOS





b





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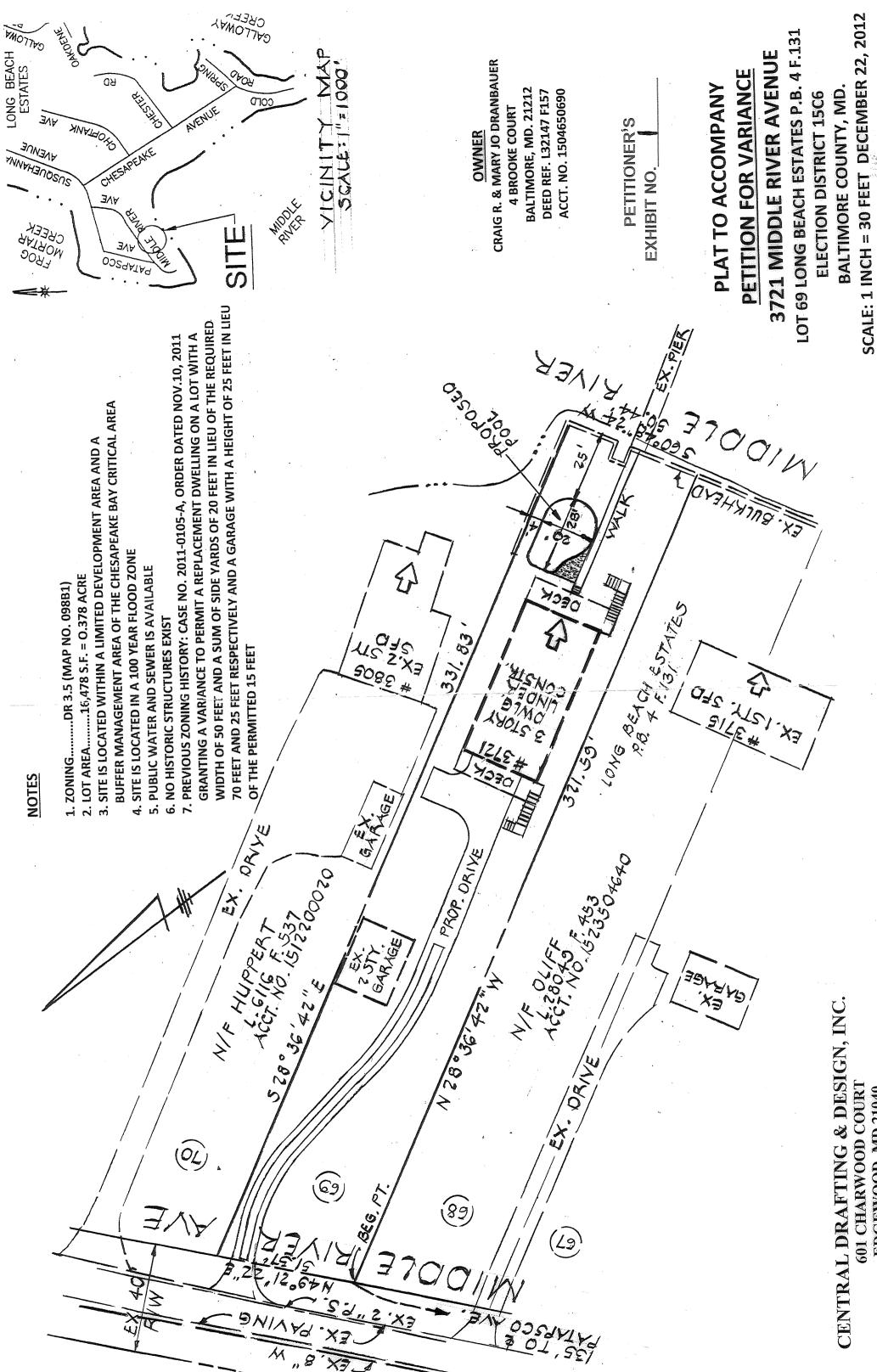


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Go Back View Map Maryland Department of Assessments and Taxation New Search Real Property Data Search (vw6.2A) GroundRent **BALTIMORE COUNTY** Redemption GroundRent Registration Account Identifier: District - 15 Account Number - 1504650690 **Owner Information** DRANBAUER CRAIG R Owner Name: RESIDENTIAL Use: DRANBAUER MARY JO Principal Residence: NO Mailing Address: 4 BROOKE CT Deed Reference: 1)/32147/00157 **BALTIMORE MD 21212-1203** 2) **Location & Structure Information** Premises Address Legal Description 3721 MIDDLE RIVER AVE 0-0000 Waterfront LONG BEACH ESTATES Sub Grid Map Parcel Subdivision Block Section Lot Plat No: District <u>Area</u> 0098 0004 Plat 0004/ 0203 0000 69 3 Ref: 0131 Town NONE Special Tax Areas Ad Valorem Tax Class Primary Structure Built **Enclosed Area** Property Land Area County Use 16,200 SF Stories Basement **Tvpe** Exterior Value Information Base Value Value Phase-in Assessments As Of As Of As Of 01/01/2012 07/01/2012 07/01/2013 Land 244,500 263,000 Improvements: 28,000 20,200 Total: 272,500 283,200 276,067 279,633 Preferential Land: Transfer Information Seller: DRANBAUER CRAIG R Price: Date: 06/05/2012 Type: NON-ARMS LENGTH OTHER Deed1: /32147/ 00157 Deed2: Seller: DRANBAUER LOUIS F Date: 09/23/2002 Price: Type: NON-ARMS LENGTH OTHER Deed 1: /16853/ 00435 Deed2: Seller: Date: Price: Type: Deed1: Deed2 **Exemption Information** Partial Exempt Assessments 07/01/2012 07/01/2013 Class 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:** No Application PETITIONER'S

EXHIBIT NO.

After recording return to: Stewart Title Guaranty Company 401 E. Pratt St., Ste. 611 Baltimore, MD 21202

NO CONSIDERATION DEED: PURPOSE IS TO TERMINATE LIFE ESTATE AND TO ADD WIFE TO TITLE

EXEMPT FROM TRANSFER/RECORDATION TAX PURSUANT TO MARYLAND ANNOTATED CODE TAX PROPERTY ARTICLE SECTION 12-108 (c) (i)/(d) and SECTION 13-207 (a)(3)

THIS DEED, made this <u>Lind</u> day of <u>May</u>, 2012, by and between Craig R. Dranbauer, (hereinafter "Grantor"), and Craig R. Dranbauer and Mary Jo Dranbauer, husband and wife, (hereinafter "Grantees").

## WITNESSETH:

**THAT** for and in consideration of the sum of ZERO DOLLARS (\$0), Grantor hereby grants and conveys unto the said Grantees, husband and wife, as tenants by the entireties, their assigns and to the survivor of them and to the personal representative, heirs and assigns of the survivor, in fee simple, all that certain property situate in the County of Baltimore, State of Maryland, which is more particularly described as follows:

BEGINNING FOR THE SAME on the southeasterly side of Middle River Avenue at the northeast corner of Lot No. 68, as shown on the Plat and plan hereinafter referred to, thence running southerly along the easterly side of Lot No. 68, 322 feet more or less to Middle River, thence northeasterly binding on Middle River 51 feet more or less to Lot No. 70, on said Plat, thence northwesterly along the westerly side of Lot No. 70, 326 feet more or less to Middle River Avenue aforesaid, thence southwesterly binding on the southeasterly side of Middle River Avenue 51.21 feet to the place of beginning. Being known and designated as Lot No. 69 on Plat of the Lands of the Citco Realty Company known as Long Beach Estates, which Plat is filed and recorded among the Plat Records of Baltimore County in Plat Book Liber WPC No. 3, folio 178. See also the same lot set forth in Plan C of Long Beach Estates recorded as aforesaid in Plat Book Liber WPC No. 4, folio 131.

**BEING** the same property described in Deed from Mildred A. Dranbauer unto Craig R. Dranbauer, the Grantor herein, a Life Estate with Full Powers of Disposition, remainder unto Louis C. Dranbauer dated August 2, 2002 and recorded among the aforesaid Land Records in Liber SM No. 16853, folio 435. The said Craig R. Dranbauer hereby exercises his full and complete right, power and authority to eliminate the Life Estate therein created, and to convey the herein described property unto himself and his wife, the Grantees herein.

TOGETHER with the buildings and improvements thereon and all rights, alleys, ways, waters, privileges appurtenances and advantages to the same belonging of in any ovar/appetricing of 106/07/2012.

EXHIBIT NO. 3

AND TO HAVE AND TO HOLD said premises, unto and to the use of the said Grantees, husband and wife, tenants by the entireties, and to the personal representatives, heirs and assigns of the survivor, in fee simple forever.

AND the said Grantor hereby covenants that he has not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed; that he will warrant specially the property hereby granted; and that he will execute such further assurances of the same as may be requisite.

IN WITNESS WHEREOF, the Grantor has executed this Deed under seal as of the date first above written.

WITNESS:			^ ^	
			Craig R. Dranbauer	_ (SEAL)
STATE OF	MOBalt	) ) SS )	·	

Before me, the undersigned, a Notary Public in and for the jurisdiction aforesaid, personally appeared this date, Craig R. Dranbauer, personally known (or satisfactorily proven) to me to be the persons whose name is subscribed to the within instrument and being authorized so to do, he executed the foregoing Deed as his act and deed for the purposes therein contained.

WITNESS my hand and so with 130 day of May , 2012.

My commission expires:

My commission expires:

AUBLIC (Seal)

I hereby certify that this instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of the State of Maryland.

Simon Sait





Avenue

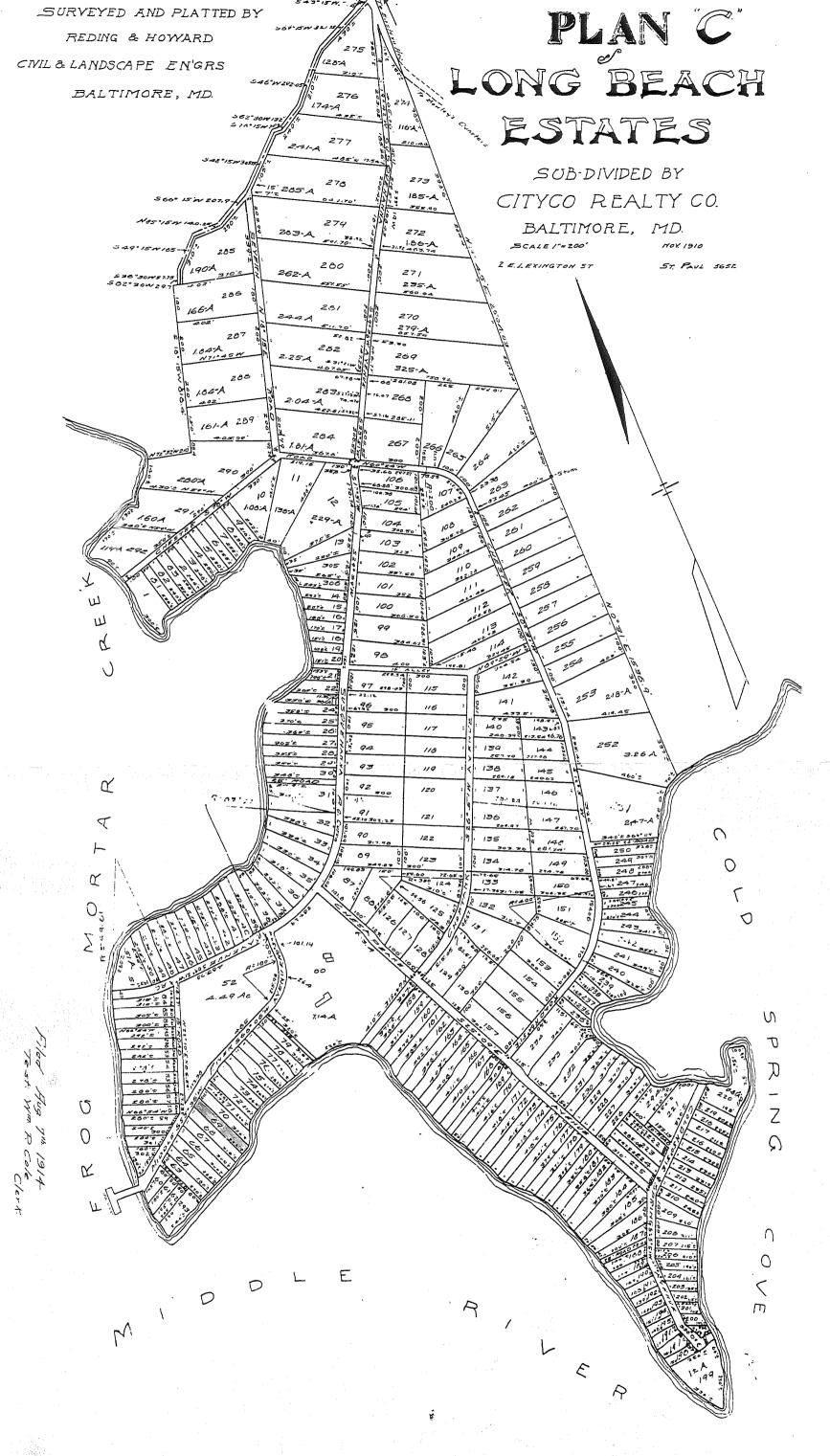
Baltimore County My Neighborhood

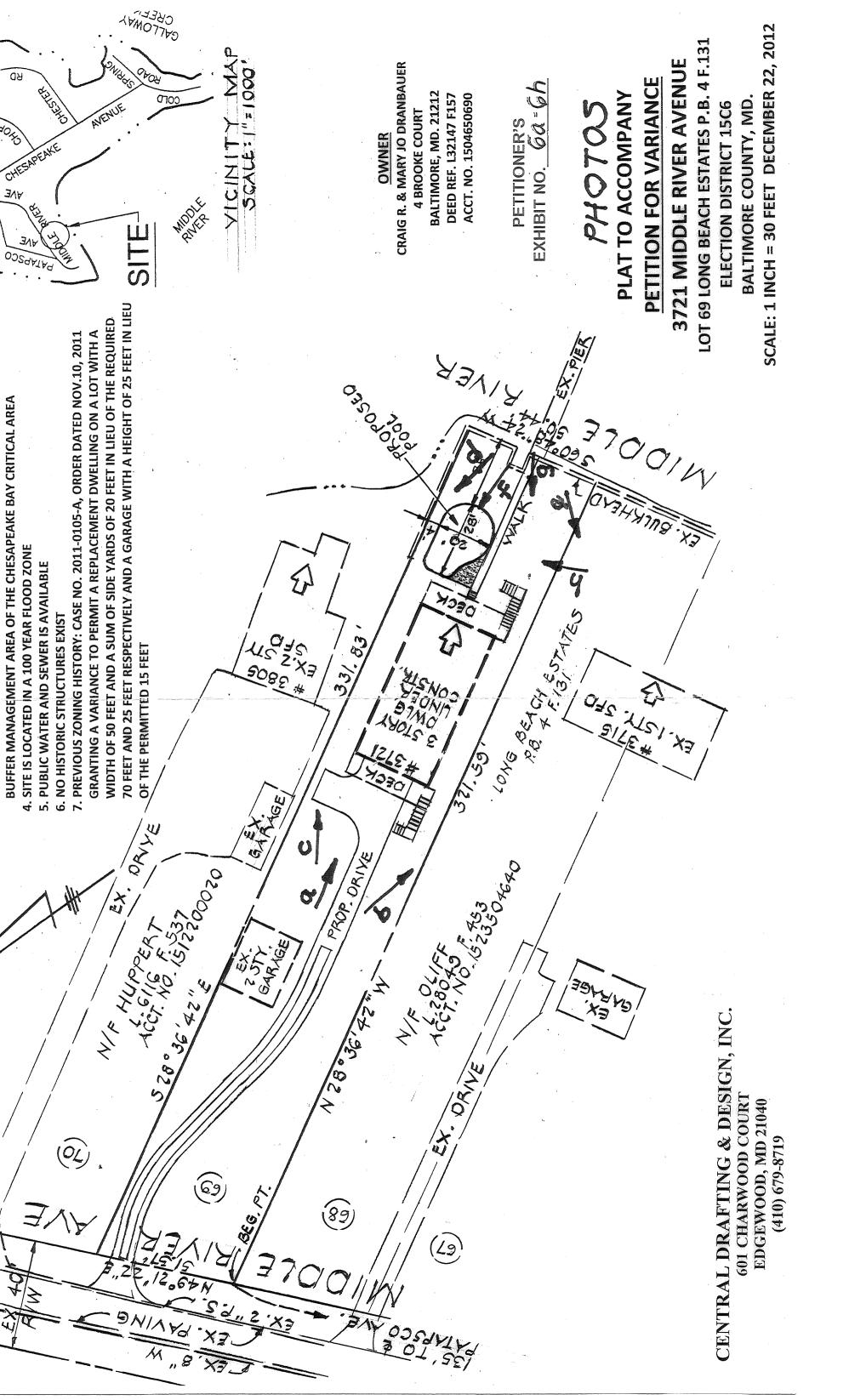


with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.



WPC Nº4.





- 3. SITE IS LOCATED WITHIN A LIMITED DEVELOPMENT AREA AND A BUFFER MANAGEMENT AREA OF THE CHESAPEAKE BAY CRITICAL AREA
- 4. SITE IS LOCATED IN A 100 YEAR FLOOD ZONE
- 5. PUBLIC WATER AND SEWER IS AVAILABLE

MODE

CHESTER

TUNZIN

COLD

GALLOWAY CREFY

"= 1000 's

AVE

CHO DTANK

OAKOENE

MORTAR CREEK

AVENUE

ESTATES S

**6. NO HISTORIC STRUCTURES EXIST** 

70)

7. PREVIOUS ZONING HISTORY: CASE NO. 2011-0105-A, ORDER DATED NOV.10, 2011 GRANTING A VARIANCE TO PERMIT A REPLACEMENT DWELLING ON A LOT WITH A WIDTH OF 50 FEET AND A SUM OF SIDE YARDS OF 20 FEET IN LIEU OF THE OF THE PERMITTED 15 FEET 70 FEET AND 25 FEET RESPECTIVELY AND A GARAGE WITH A HEIGHT OF 25 FEET IN LIEU REQUIRED.

EX. ORIVE N 28°36'42" S28°36"42" I GARAGE! 5.1623504640 PROP. ORINE ORYE GARX. 9x03 SE SET CHESTATES 331.83 3805 EXIZSTY OECK Finding Trick ACCT. NO. 1504650690

BEG. PT.

હિં

(68)

PATAPSCO

67

OWNER

CRAIG R. & MARY JO DRANBAUER BALTIMORE, MD. 21212 DEED REF. L32147 F157 **4 BROOKE COURT** 

CENTRAL DRAFTING & DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MD 21040

garage

EX. 1577.5FD

EX. BULKHEND

1100LE

(410) 679-8719

LOT 69 LONG BEACH ESTATES P.B. 4 F.131 BALTIMORE COUNTY, MD. **ELECTION DISTRICT 15C6** 

**3721 MIDDLE RIVER AVENUE** 

PETITION FOR VARIANCE

PLAT TO ACCOMPANY

SCALE: 1 INCH = 30 FEET DECEMBER 22, 2012