IN RE: PETITION FOR ADMIN. VARIANCE (21301 Dunk Freeland Road)

7th Election District 3rd Council District Andreas Grothe Petitioner **BEFORE THE**

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0125-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Andreas Grothe ("Petitioner"). The Petitioner is requesting Variance relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure/swimming pool in the side yard of a lot with an existing dwelling in lieu of the permitted rear yard. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted from any of the County reviewing agencies. However, it is to be noted that three (3) support letters were received from neighbors residing at 21305, 21297, and 21299 Dunk Freeland Road, who had no objections.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 10, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general ORDER RECEIVED FOR FILING

Date	1-29-15	
Bv	100	

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 29th day of January, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure/swimming pool in the side yard of a lot with an existing dwelling in lieu of the permitted rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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

OHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 1-27-(5

2



KEVIN KAMENETZ
County Executive

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

January 29, 2015

Andreas Grothe 21301 Dunk Freeland Road Parkton, Maryland 21120

RE:

Petition for Administrative Variance

Case No. 2015-0125-A

Property: 21301 Dunk Freeland Road

Dear Mr. Grothe:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: Buddy Poe, 10715 York Road, Cockeysville, MD 21030 Ken Long and Debbie Melnick, 21305 Dunk Freeland Road, Parkton, MD 21130 Jim and Karen Whitcome, 21297 Dunk Freeland Road, Parkton, MD 21130 Andrew and Patricia Burgess, 21299 Dunk Freeland Road, Parkton, MD 21130

ADMINISTRATIVE ZONING PETITION

FOR ADMINIST TIVE VARIANCE - OR - ADMINISTRATE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Hearings for Baltimore County for the property located at: Address 21301 DWKFredand Rd Parkon Md 21120 Currently zoned R-C-2 10 Digit Tax Account # 21-00 -001148 Deed Reference 13014 Owner(s) Printed Name(s) Andreas (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized. The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an: ADMINISTRATIVE VARIANCE from Section(s) Section: 400.1 To permit an accessory structure/swimming pool in the side yard of a lot with an of the zo existing dwelling in lieu of the permitted rear yard. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building) of the Baltimore County Code, to the development law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Owner(s)/Petitioner(s): Name #2 - Type or Print Signature # 2 21301 Dunk Freda Mailing Address New World Email Address com Attorney for Owner(s)/Petitioner(s);G Representative to be contacted: Name- Type or Print EIVED FOR FI Name - Type or Prin Date Mailing Address City State Mailing Ad State Zip Code Email Address Email Address Telephone # A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore that the subject matter of this petition be set for a public hearing, advertised, and re-posted as County, this ~day of required by the zoning regulations of Baltimore County

Administrative Law Judge for Baltimore County

CASE NUMBER 2015-0125-A

Filing Date 12/5/2014

Estimated Posting Date #2

Reviewer_/

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUED FOR AN HISTORIC ADMINISTRATIVE PECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

and obsapled by the direct signed.			
Address: 21301 DunkfreeLand Pd	Parkton	Md State	Zip Code
Based upon personal knowledge, the following Administrative Variance at the above address			
DIFFICULTY			
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Andreas Grothe Name-Print or Type	Name-	Print or Type	
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STATE OF MARYLAND, COUNTY OF BAL	TIMORE, to wit:		
HEREBY CERTIFY, this day of and for the County aforesaid, personally appeare	secenter 20	14, before me a	Notary of Maryland, in
Print name(s) here: Andregs Grot	he	AND	EEN SOLL
the Affiant(s) herein, personally known or satisfac	torily identified to me	as such Affiant(s	AP IND
AS WITNESS my hand and Notaries Seal	speed &	Christ Oliver	Y Monthson
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PROPERTY DESCRIPTION. 21301 DUNCFREELEND RE

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EAST SIDE OF DUNK FREELING ROAD
WHICH IS 15' WIDE, WHICK IS 7050' ±
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THE WEARST INTERESTING ROAD,
WHICH IS BOND ROAD WHICH IS

20' WIDE.

BEING LOT #4 IN THE SUBDIVISION OF LAUREL PLOGE FARMS RECORDED ON SM 67 FOLIO 70 CONTAINING 21.5 ACRES.

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COUNCIL DISTRICT 3

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BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2015- 0125 -A Address 21301 Dunk Frechond Rd
Contact Person: Phone Number: 410-887-3391
Filing Date: 12/5/2014 Posting Date: 01/11/2015 Closing Date: 01/26/2014
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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. <u>DEADLINE:</u> 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.
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 2015- 0125 -A Address 21301 1) unk Free and Rd
Petitioner's Name Anclacas Grothe Telephone 410-357-5453
Posting Date: 01/11/2015 Closing Date: 01/26/2015
Wording for Sign:
To permit an accessory structure/swimming pool in the side yard of a lot with an existing dwelling in lieu of the permitted rear yard.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 1/12/2015

Case Number: 2015-0125-A

Petitioner / Developer: ANDREOS GROTH ~ BUDDY POE SR. of

BUDDY'S POOL SERVICES, INC.

Date of Hearing (Closing): JANUARY 26, 2015

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: 21301 DUNK FREELAND ROAD

The sign(s) were posted on: JANUARY 10, 2015



(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)



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

December 31, 2014

Andreas Grothe 21301 Dunk Freeland Road Parkton MD 21120

RE: Case Number: 2015-0125 A, Address: 21301 Dunk Freeland Road

Dear Mr. Grothe:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 5, 2014. 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,

N. Call Robert

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel Buddy Poe, 10715 York Road, Cockeysville MD 21030

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 19, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 19, 2014

Item No. 2015-0125, 0127, 0129 and 0130

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

DAK:CEN cc:file



KEVIN KAMENETZ County Executive

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

January 27, 2015

Andreas Grothe 21301 Dunk Freeland Road Parkton MD 21130

RE: Case Number: 2015-0125 A, Address: 21301 Dunk Freeland Road

Dear Mr. Grothe:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 5, 2014. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel Buddy Poe, 10715 York Road, Cockeysville MD 21030

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



James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 12/15/14

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

Baltimore County RE:

Item No 2015-0125-A Administrative Variance Andrea Grothe 21301 Dunk Freelond 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. 2015-0125-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief/ Development Manager

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 19, 2014

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 19, 2014

Item No. 2015-0125, 0127, 0129 and 0130

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



MEMORANDUM

TO:

Kristen Lewis

Office of Zoning Review

FROM:

Debra Wiley, Legal Administrative Secretary

Office of Administrative Hearings

DATE:

January 5, 2015

SUBJECT:

Case No. 2015-0125-A - 21301 Dunk Freeland Road

Administrative Variance – Closing Date: 12/29/14

As you may be aware, the above-referenced case had a closing date of December 29, 2014. Unfortunately, the sign posting requirement was not fulfilled and both the Petitioner and Petitioner's representative, Buddy Poe, were contacted last week.

Today, this office was advised by Mr. Poe that the sign was not, in fact, posted.

Therefore, we are returning the file to you for further processing, i.e., obtaining new closing date, etc.

C.

File

MEMORANDUM

DATE:

March 3, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0125-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 2, 2015. 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

12/36 Left y.m. for Drothe (11:20 Am)
for them to contact sign poster I get us proof of posting. Celso contacted Buddy's Port Ser. but closed for holidays. 12/31 Rece call book from M. Grothe. Hill Contact Buday's Pool Service. He does not believe signwas goded - they were handling for 1/5 Spoke to Buddy (Buddy's Pool Seav.); he wiel contact Tenny or fune to fine out what is needed to move this along.

Re. Sign Posting

12/2014

Mr. Andreas Grothe and Mrs. Gloria Grothe are planning to construct an in ground pool at the west side of their property at: 21301 Dunk Freeland Rd. Parkton, MD 21120

The pool will be 18' x 45' in size. Parallel and 30' in distance from the Conservatory.

We immediate neighbors of Laurel Ridge Farm:

Mr. Ken Long	1	leighbor	-	of	_
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Address:

211	140	>
Preleton	MD	Mad

Have no objection to this construction project.

Kand Log 7

Signature

Date

11/20/14

#0125-A

Mr. Andreas Grothe and Mrs. Gloria Grothe are planning to construct an in ground pool at the west side of their property at: 21301 Dunk Freeland Rd. Parkton, MD 21120

The pool will be 18' x 45' in size. Parallel and 30' in distance from the Conservatory.

We immediate neighbors of Laurel Ridge Farm:

Mr. Jim Whitcome

Mrs. Karen Whiteome

Address:

21297 Dunk Freeland Ame

Parkton Md 21120

Telephone No. 443.994.1589

Have no objection to this construction project.

Signature

(anew m

Date

0125-A

11/29/14

Mr. Andreas Grothe and Mrs. Gloria Grothe are planning to construct an in ground pool at the west side of their property at: 21301 Dunk Freeland Rd. Parkton, MD 21120

The pool will be 18' x 45' in size. Parallel and 30' in distance from the Conservatory.

We immediate neighbors of Laurel Ridge Farm:

Mr	Andrew	J Bu	nges		
Mrs.	Patricia	Buse	m		
Address					
2	11299	Dunk	Red	and	ROL
	Parktor	M	D.	2112	D
Telepho	one No.	410	35	7-5	551

Have no objection to this construction project.

Signature Confliction a Burger

4/29/14 Date

0125-A

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map	Vlew GroundRent Re	demption			Vlew (Ground	Rent Re	gistratio	n
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