

MEMORANDUM

DATE: April 5, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0176-A- Appeal Period Expired

The appeal period for the above-referenced case expired on April 4, 2016. 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

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(11444 Glen Arm Road)		
11 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Daniel L. & Vienna C. Dietrich	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0176-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Daniel L. & Vienna C. Dietrich ("Petitioners"). The Petitioners are requesting Variance relief from §§ 1A04.3.B.2.b and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing addition with a side yard setback of 22 ft. in lieu of the minimum required 50 ft., and to permit an existing detached accessory structure (garage) to have a rear yard setback as close as 2.1 ft. in lieu of the minimum required 2.5 ft. 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.

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 by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 12, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information and photographs submitted provide sufficient facts that comply with the requirements of Section 307.1

ORDER RECEIVED FOR FILING

Date 3-3-16
1025

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 Petitioners.

Although the Department of Planning did not make any recommendations related to the existing detached accessory structure (garage) height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 3rd day of **March, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 1A04.3.B.2.b and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing addition with a side yard setback of 22 ft. in lieu of the minimum required 50 ft., and to permit an existing detached accessory structure (garage) to have a rear yard setback as close as 2.1 ft. in lieu of the minimum required 2.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their 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 be responsible for returning, said property to its original condition.
- The Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- The garage shall not be used for commercial purposes.

ORDER RECEIVED FOR FILING

Date 3-3-16

By DW

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 3-3-16

By la



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE 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 11444 Glen Arm Road, Glen Arm, MD 21057 Currently zoned RC5
Deed Reference 13037 / 131 10 Digit Tax Account # 2 2 0 0 0 2 3 5 1 6
Owner(s) Printed Name(s) Daniel Dietrich and Vienna Dietrich

(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:

1. X **ADMINISTRATIVE VARIANCE** from Section(s)

Sections 1A04.3.B.2.b and 400.1 – to permit an existing addition with a side yard setback of 22 feet in lieu of the minimum required 50 feet, and to permit an existing detached accessory structure (garage) to have a rear yard setback as close as 2.1 feet in lieu of the minimum required 2.5 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **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.

ORDER RECEIVED FOR FILING

Date 3-3-16

By [Signature]

Owner(s)/Petitioner(s):

Daniel Dietrich / Vienna Dietrich
Name #1 – Type or Print Name #2 – Type or Print
[Signature] / [Signature]
Signature #1 Signature #2

11444 Glen Arm Rd., Glen Arm, MD
Mailing Address City State
21057 / 410 808 4973 / vienna@dldcontracting.com
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Edward C. Covahey, Jr.
Name- Type or Print
[Signature]
Signature
614 Bosley Avenue, Towson, MD
Mailing Address City State
21204 / 410-828-9441 / jkerns@cablaw.com
Zip Code Telephone # Email Address

Representative to be contacted:

Edward C. Covahey, Jr.
Name – Type or Print
[Signature]
Signature
614 Bosley Avenue, Towson, MD
Mailing Address City State
21204 / 410-828-9441 / jkerns@cablaw.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this day of , that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2016-0176-A Filing Date 3/2/16 Estimated Posting Date 2/14/16 Reviewer [Signature]

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

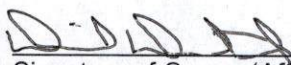
The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in 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.

Address: 11444 Glen Arm Road Glen Arm MD 21057
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. **(Clearly state practical difficulty or hardship here)**

The property in question is subject to a 24 ft. setback for the owners' residence (via prior variance) and a 2.5 ft. setback for accessory structures. A residence addition and garage were constructed after the granting of the prior variance with an approximate 22 ft. setback for the residence and an approximate 2 ft. setback for the garage. The construction was undertaken in reliance upon a survey prepared by a Maryland Licensed Surveyor which survey showed that both structures complied with the applicable setbacks. Strict compliance with the applicable setbacks would require demolition of both structures and/or the extremely costly removal and/or relocation of structural walls. Therefore, strict compliance would result in practical difficulty and/or undue hardship. Topographical constraints also create additional practical difficulty and/or undue hardship.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)


Signature of Owner (Affiant)

Daniel Dietrich
Name- Print or Type


Signature of Owner (Affiant)

Vienna Dietrich
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

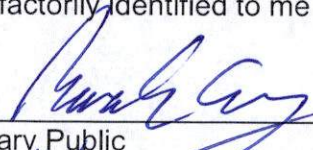
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of February, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

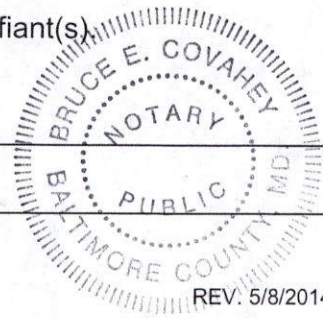
Print name(s) here: Daniel Dietrich and Vienna Dietrich

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal


Notary Public
5/28/19
My Commission Expires

Item #0176



Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



Zoning Description 11444 Glen Arm Road

Beginning at a point on the east side of an unnamed right-of-way to Glen Arm Road, 15 feet wide, 640 +/- feet north of the centerline of Glen Arm Road which is of varying width. Thence the following courses and distances:

North 44 degrees 30 minutes 00 seconds West, 239.66 feet,

North 44 degrees 30 minutes 00 seconds West, 112.84 feet,

South 83 degrees 54 minutes 00 seconds East, 146.02 feet,

South 83 degrees 54 minutes 00 seconds East, 98.35 feet,

North 47 degrees 00 minutes 00 seconds East, 53.90 feet,

North 47 degrees 00 minutes 00 seconds East, 271.10 feet

South 44 degrees 30 minutes 00 seconds East, 155.15 feet,

South 45 degrees 30 minutes 00 seconds West, 271.01 feet,

South 45 degrees 30 minutes 00 seconds West, 209.00 feet, to the place of beginning.

As recorded in Deed Liber 17651, Folio 37, and containing 2.11 acres. Also known as 11444 Glen Arm Road and located in the 11th Election District, 3rd Councilmanic District.



Brian Dietz

Item # 0176

2835 Smith Avenue, Suite G Baltimore, Maryland 21209
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

February 14, 2016

Re:

Zoning Case No. 2016-0176-A

Petitioner: Daniel & Vienna Dietrich

Closing date: February 29, 2016

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **11444 Glen Arm Road**.

The sign was posted on **February 12, 2016**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2016-0176-A

11444 Glen Arm Road

REQUEST: TO PERMIT AN EXISTING ADDITION WITH A SIDE YARD SETBACK OF 22 FEET IN LIEU OF THE MINIMUM REQUIRED 50 FEET AND TO PERMIT AN EXISTING DETACHED ACCESSORY STRUCTURE (GARAGE) TO HAVE A REAR YARD SETBACK AS CLOSE AS 2.1 FEET IN LIEU OF THE MINIMUM REQUIRED 2.5 FEET.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1) BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE FEBRUARY 26, 2016.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W. CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391



DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2016-0176-A

Petitioner: Daniel Dietrich and Vienna Dietrich

Address or Location: 11444 Glen Arm Road, Glen Arm, MD 21057

PLEASE FORWARD ADVERTISING BILL TO:

Name: Edward C. Corahey, Jr.

Address: 614 Bosley Avenue

Towson, MD 21204

Telephone Number: 410-528-9441

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0176 -A Address 11444 Glen Arm Rd
Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 2/2/16 Posting Date: 2/14/16 Closing Date: 2/29/16

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 2016- 0176 -A Address 11444 Glen Arm Rd
Petitioner's Name Daniel + Vienna Dietrich Telephone 410 808 4973
Posting Date: 2/14/16 Closing Date: 2/29/16
Wording for Sign: To Permit an existing addition with a side yard setback of 22 feet in lieu of the minimum required 50 feet, and to permit an existing detached accessory structure (garage) to have a rear yard setback as close as 2.1 feet in lieu of the minimum required 2.5 feet

Revised 7/21/15

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>2-17</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>2-12</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>2-8</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2008-0468-SPH and 99-183-A</u>)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>2-12-16</u> by <u>Dock</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 2200023516			
Owner Information					
Owner Name:		DIETRICH DANIEL L DIETRICH VIENNA C		Use: RESIDENTIAL Principal Residence: YES	
Mailing Address:		11444 GLEN ARM RD GLEN ARM MD 21057-9435		Deed Reference: /17651/ 00037	
Location & Structure Information					
Premises Address:		11444 GLEN ARM RD 0-0000		Legal Description: 2.11 AC 11444 GLEN ARM RD NWR 2230 FT NW OF MANOR RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0062	0003	0432		0000	
				Assessment Year: 2015	Plat No: Plat Ref:
Special Tax Areas:				Town: NONE Ad Valorem: Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
2000	4,281 SF		2.1100 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1Att/1Det
Last Major Renovation 2015					
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of 01/01/2015	As of 07/01/2015	As of 07/01/2016
Land:		166,600	166,600		
Improvements		388,026	468,900		
Total:		554,626	635,500	581,584	608,542
Preferential Land:		0			0
Transfer Information					
Seller: DIETRICH DANIEL L		Date: 03/11/2003		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /17651/ 00037		Deed2:	
Seller: EVANS CHARLES CALVIN		Date: 07/29/1998		Price: \$122,085	
Type: NON-ARMS LENGTH OTHER		Deed1: /13037/ 00131		Deed2:	
Seller: EVANS CHARLES CALVIN		Date: 07/20/1995		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /11133/ 00627		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 05/28/2014					

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



KEVIN KAMENETZ
County Executive

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

March 1, 2016

Daniel & Vienna Dietrich
11444 Glen Arm Road
Glen Arm MD 21057

RE: Case Number: 2016-0176 A, Address: 11444 Glen Arm Road

Dear Mr. & Ms. Dietrich:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 2, 2016. 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Edward C Covahey, Jr., Esquire, 614 Bosley Avenue, Towson MD 21204

2-29
Closing

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
FEB 12 2016
OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: February 12, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0176-A
Address 11444 Glen Arm Road
(Dietrich Property)

Zoning Advisory Committee Meeting of February 15, 2016.

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

Reviewer: Steve Ford

Date: 02-12-2016

Larry Hogan, *Governor*
Boyd K. Rutherford, *Lt. Governor*



Pete K. Rahn, *Secretary*
Gregory C. Johnson, P.E., *Administrator*

Date: 2/10/16

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

RE: Baltimore County
Item No. 2016-0176-A
Administrative Variance
Daniel & Vienna Dietrich
11414 Glen Arden 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. 2016-0176-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard A. Zeller".

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 17, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For February 15, 2016
Item No. 2016-0164, 0173, 0174, 0175, 0176, 0177, 0178 and 0179

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC02152016.doc



KEVIN KAMENETZ
County Executive

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

April 14, 2016

Virginia Sarant
11440 Glen Arm Road
Glen Arm, Maryland 21057

RE: Petition for Administrative Variance
Case No. 2016-0176-A
Property: 11444 Glen Arm Road

Dear Ms. Sarant:

I am in receipt of and reviewed your letter dated April 8, 2016, regarding the above case.

Please be advised an administrative variance was granted on March 3, 2016 for the property at 11444 Glen Arm Road. The file contained an affidavit regarding the posting of the sign and a photograph of same, which were included with your letter. Given that more than 30 days has elapsed since the variance was granted, there is no further action that can be taken by this office.

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:dlw
Enclosure

c: Edward C. Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, Maryland 21204
Daniel and Vienna Dietrich, 11444 Glen Arm Road, Glen Arm, Maryland 21057

Pages: 9

COMMENTS:	
SUBJECT: <i>Wakame Sign</i>	
DATE: <i>April 11, 2016</i>	
PHONE: <i>410-887-3868</i>	
FAX: <i>410-887-3468</i>	
FROM: <i>MR. Beveridge</i>	
TO: <i>Virginia Street</i>	

FAX

2016-0176-17
2/29/16
AV
3-3-16
Just w/cond.

Virginia Sarant
11440 Glen Arm Rd
Glen Arm, Md. 21057
[Date]April 8, 2016

Mr. John Beuerunger
Administrative Law Judge
Baltimore County
105 West Chesapeake Ave.
Towson, Md. 21204

Dear Mr. John Beuerunger:

I am taking the time to write to you, hopefully you can correct the wrong that has been done. I have been in a disputed with my neighbors for several years, concerning my property lines. The last communication I had was that Mr. and Mrs. Dietrick had been informed to remove 2 of their structures per the Court of Appeals. Zoning case no. 2016-0176-A.

According to Mr. Alchin, Baltimore County Attorney, they could take the buildings down on go for a variance. At that time I told Mr. Alchin I would protest another variance. That was in February 2016. According to Mr. Alchin he didn't know what has been going on he would look into it, and get in touch with me.

I called Mr. Alchin today 4/8/2016. To see what was happening with the case. I was informed that Mr. Alchin had sent me a e-mail on 2/12/2016. I did not receive it since I was in the hospital. He said he would send me another e-mail. As of yet I have not received any e-mail.

I called Baltimore County Zoning and was informed that the property had been posted. The clerk sent me a copy of the picture and letter from Doak Consulting LLC. Stating they had put it up.

I went to the hospital on 2/4/2016 and returned home on 2/14/2016. There was no variance sign at the end of my lane. The two neighbors that live off my right of way and the neighbor across the street will all testify that no sign was ever put up. Mrs. Mongan the neighbor that lives at the beginning of the right of way will testify that she went out on 2/12/2016 to the post office. That a truck was parked first in her lane and than moved across the street to Mrs. Venerations. According to Mrs. Mongan the man got out of his truck with a sign. When she came back from the post office the truck was gone and there was no sign. And there is still no sign. According to Mrs. Veneration there has not been any sign, she lives across the street and has a clear view of

Mr. John Beuerunger

[Date]

Page 2

the beginning of my right of way. Mrs. Heiderman lives behind Mrs. Mongan has also stated there was no sign

My understanding is that a variance sign had to be up 30 days, if that is correct than what happened with the sign Mr. Bruce Doak put up. According to the sign in the picture that zoning sent me, a hearing would be scheduled on February 28, 2016. That certainly is not 30 days from the time the supposed sign went up.

There is something wrong when several people have stated there has been no sign posted. Certainly no one would pull it down. SO JUST WHAT HAPPENED!!!!!! HOW CAN ANYONE PROTEST A VARIANCE IF YOU DON'T KNOW THERE IS ONE.

As Mr. and Mrs. Dietrick no full well, if they went for a variance there would be quite a few protest.

I would like to have the due process of the law, as ever one else seems to have. There are several residents in the neighbor hood who are willing to protest yet another variance.

I would appreciate you looking into this, if possible, and letting me know the out come.

Sincerely,

Mrs Virginia Luan

variance

April 9, 2016

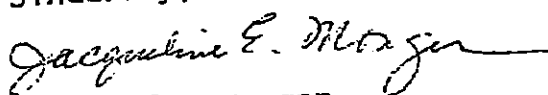
To: Baltimore County
Towson, Maryland

RE: Variance Sign

To Whom It May Concern:

I reside at 11500 Glen Arm Road and share a common drive with 11400, 11420 and 11444 Glen Arm Road. I have been informed that a sign was posted on the property for a hearing on property variance on or about February 12, 2016. I go up and down the drive at least once a day if only to pick up my mail and paper. I have not seen any such sign posted on that day or any other. I assure you I would have read the sign and followed up with at least phone calls to my neighbors.

Sincerely,


Jacqueline Mongan

11501 GLEN ARM RD
GLEN ARM, MO 21057
4-8-2016

To whom it may Concern:

There has not been a sign regarding
a variance permit, nor for any other
reason, posted on the driveway directly
across Glen Arm Rd. from my property
during 2015 nor 2016 to this date.
There was no sign during the period
of February 2 to 21, 2016.

C. Veneracion
(CHARLOTTE VENERACION)

Mrs. Gary Heiderman

11442 Glen Arm Rd

Glen Arm, Md 21057

April 8, 2016

To Whom It May Concern,

I live in the second house off the right of way that is owned by Mrs. Sarant known as 11440 Glen Arm Rd. Mrs. Mongan lives at the first house on the right going into the right of way, I live in the second house, Mr Dietrick lives at the top of the hill behind me. Mrs. Sarant is the only house on the left. There was no variance sign posted on 2/12/2016 at the beginning of the right of way. And there remains no sign there.

Sincerely Yours,

Sally Heiderman

To whom it may concern

4/8/2016

I George Sarant live at 11490 Glen Arm road
Glen Arm, Maryland 21057. I leave every morning
at 5:30 AM and return home around 1:00 PM for
lunch and then I go back out until 5-6 PM for
the rest of the evening. I have never seen any
type of Variance Notice or any type of sign at
the end of the Right away at Glen Arm road.

There has never been any type of Variance Notice or
sign at the end of the Right away at Glen Arm road.

Sincerely,

George Sarant

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

February 14, 2016

Re:

Zoning Case No. 2016-0176-A

Petitioner: Daniel & Vienna Dietrich

Closing date: February 29, 2016

**Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204**

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 11444 Glen Arm Road.

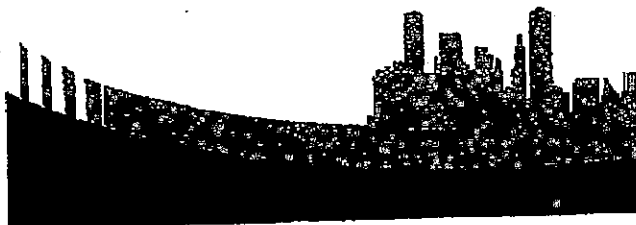
The sign was posted on February 12, 2016.

Sincerely,

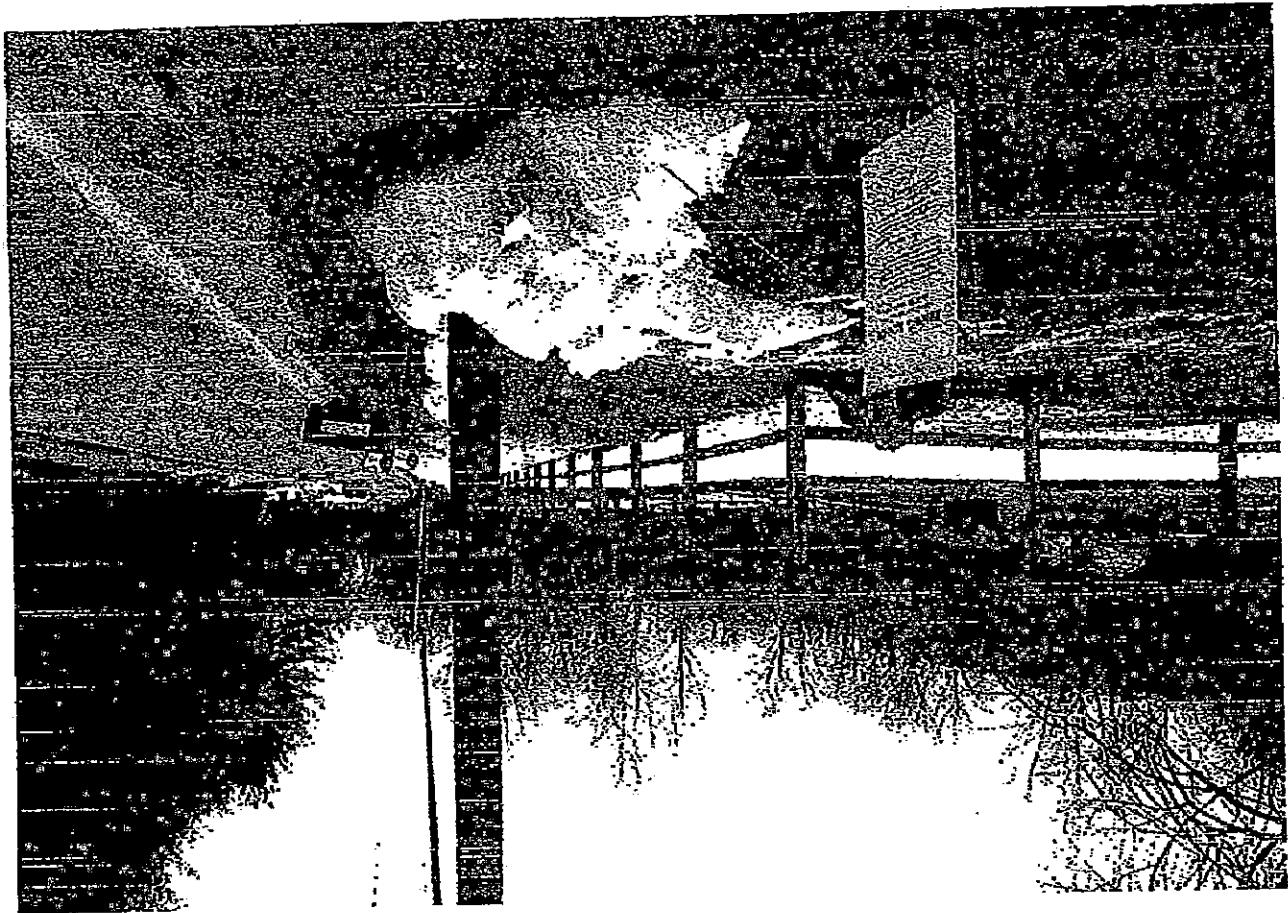


**Bruce E. Doak
MD Property Line Surveyor #531**

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor



ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2016-0176-A

11446 Glen Arm Road

REQUEST: TO PERMIT AN EXISTING ADDITION WITH A SIDE YARD SETBACK OF 22 FEET IN LIEU OF THE MINIMUM REQUIRED 50 FEET AND TO PERMIT AN EXISTING DETACHED ACCESSORY STRUCTURE (GARAGE) TO HAVE A REAR YARD SETBACK AS CLOSE AS 2.1 FEET IN LIEU OF THE MINIMUM REQUIRED 25 FEET.

PUBLIC HEARING?

PURSUANT TO SECTION 28-127(b)(1) BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE FEBRUARY 29, 2016.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W. CALVERT AVENUE, TOWSON, MD 21204-2100, 410.661.3552

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
W/S Glen Arm Road, 800' SW of		
Copperwood Lane and Glen Arm Road	*	ZONING COMMISSIONER
(11444 Glen Arm Road)		
11 th Election District	*	OF
3 rd Council District		
	*	BALTIMORE COUNTY
Daniel L. Dietrich, et ux		
Petitioners	*	Case No. 2008-0468-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Daniel L. Dietrich and his wife, Vienna C. Dietrich. The Petitioners request a special hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend the site plan approved in Case No. 99-183-A and to approve (1) the demolition of an existing shed in the rear yard and the construction of an addition to the existing residence in place of the shed and (2) to permit the demolition of an existing shed and replacement in a previously approved location with a larger accessory structure in the front yard (replace a 12' x 20' shed with a 28' x 32' garage). The subject property and requested relief are more particularly described on the redlined site plan and architectural drawings submitted which were accepted into evidence and marked as Petitioners' Exhibits 1, 4 and 5 respectively.

Appearing at the requisite public hearing in support of the request were Daniel and Vienna Dietrich, property owners, Richard E. Matz, professional engineer, who prepared the site plan for this property, and Deborah C. Dopkin, Esquire, attorney for Petitioners. Appearing as Protestants in this matter were Dudley and Elizabeth Brownell, adjacent property owners, represented by C. William Clark, Esquire.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the northwest side of a private driveway, which leads from Glen Arm

Road not far from Manor Road and the Gunpowder Falls State Park in Glen Arm. The property consists of a gross area of 2.11 acres, more or less, zoned R.C.5 and is improved with a two-story single-family dwelling located at the top of a hill at the end of the driveway, three accessory structures, and a well-house. An appreciation of the property's past history and use is relevant and is briefly outlined. The dwelling on the property was built in 1999, pursuant to the relief granted on January 21, 1999 in prior zoning Case No. 99-183-A. In that case, the then Zoning Commissioner, Lawrence E. Schmidt, granted approval to allow an existing wood shed (12' x 20') to remain in the front yard of the property, and variance relief to allow lot line setbacks of 20 feet (northeast side) and 24 feet (northwest side) in lieu of the required 50 feet for the proposed dwelling. To the extent applicable, the findings and conclusions in that case are incorporated herein. Essentially, testimony and evidence previously offered was that the subject property was the consolidation of four (4) old lots of record, which had been accumulated by Petitioners and combined into a single parcel. Additionally, at that time, the property contained an old single-family dwelling which had become dilapidated and beyond repair. The Petitioners razed that dwelling and replaced same with the dwelling that exists today in essentially the same location as the original footprint. Variance relief was requested in the prior case, due to the unusual topography of the land and configuration of the lot. A finding by this Commission that these factors attributed to the property's uniqueness was subsequently affirmed by the County Board of Appeals on June 21, 2000 and ultimately by the Circuit Court of Baltimore County on February 20, 2001 in Case No. 03-C-00-7365. The Petitioners next sought variance relief in Case No. 01-460-A to permit a recreational trailer (for hauling antique cars) to be parked or located in the front yard in lieu of the required rear or side yard. Commissioner Schmidt, following a visit to the site, denied the relief requested on August 2, 2001 stating that while the lot is large and wooded, the trailer was visible from adjacent properties and strict adherence to the zoning regulations should be observed.

The Petitioners, along with two (2) teenaged children, having used the property as their principal residence for the past ten (10) years now come with a new approach to resolve

) their growing needs and also to address automobile parking issues. They first propose the razing of an existing 330 square foot (22' x 15') shed located behind the home and plan to replace it with a 1,856 square foot three-story brick attached addition (22'-5" x 32'-5" x 32'-5"). As illustrated on the building elevations prepared by architect David M. Cross (Petitioners' Exhibit 4), an excavated foundation area will serve as a two-car garage. Over this, the second floor level will serve as a family room and the third floor, featuring a gas fireplace and cathedral ceiling will become the Petitioners new master bath and bedroom. Similarly, David Cross prepared building elevations for a proposed front yard detached storage garage (29'-5" x 32'-5") accepted as Petitioners' Exhibit 5. This brick accessory structure will match the existing home and be used for the storage of lawn furniture, maintenance equipment and automobile(s). It would replace the existing 12' x 20' shed that is deteriorating and in need of replacement. Testimony was taken from Mr. and Mrs. Dietrich regarding the use of the existing home, sheds, maintenance and landscaping of the property as well as the planned new structures. See collectively Petitioners (photographic) Exhibits 2 and 7.

) Turning first to the rear yard addition described above, Ms. Dopkin called Richard Matz of Colbert, Matz, Rosenfelt, Inc. who has been associated with this site since 1998 and accepted as an expert in civil engineering. He described the property as having a steep topography of more than 20% grade on average. He testified that the only flat portion suitable for the desired improvements was where the existing house and sheds are built. He offered an aerial photograph which showed the Dietrich's home and the neighbors' houses nearest the site. Mr. Matz opined that the closest home was that of the Heidermans, directly below the subject property and about 270 feet away. Using photographs (Petitioners' Exhibit 2), he described the site constraints, location of existing wells, septic system and septic reserve areas and front and rear yards with slopes of greater than 20%.

) Mr. Matz stated that the existing shed in the rear yard behind the house is approximately 60 years old and is very dilapidated. As noted above, the proposal is to raze the shed that is located 24 feet from the rear property line and to construct an addition to the existing

dwelling with a footprint of 29' x 32' x 31' (3 stories) high. He testified that the new addition with its matching brick exterior, window treatments and dormers would be consistent with the other homes in the neighborhood in size and style. Moreover, he believes that building at the requested location fulfills the spirit and intent of the B.C.Z.R. and will not infringe on the neighboring houses. The variance granted in Case No. 99-183-A permitted the house to be 24 feet and 20 feet respectively from the property lines. The new addition will be 24 feet from the West property line and 20 feet from the east property line as originally contemplated in the original variance granted. Thus, the new addition conforms to the relief granted. As demonstrated on Petitioners' Exhibit 6, there is a large wooded tract of land behind Petitioners home which includes a stream. The closest home is approximately 400 feet behind the wooded tract. It is apparent that the proposed use at this location will not be injurious to the health, safety or general welfare of the community. It is clear from the record and reading of the previous cases that the proposed addition meets the requirements of Section 502.1 of the B.C.Z.R. as testified to by Mr. Matz, and I concur with his conclusion that this, the Petitioners first proposal, falls within the spirit and intent of the variance previously granted. Certainly the rear yard addition is a reasonable economic use of the property. *See generally Belvoir Farms v. North* 355 Md. 259 (1999) and *White v. North*, 356 Md. 31, 48 (1999).

As to the second proposal to replace an existing front yard shed with a garage three times its size albeit in the same approximate location mandates close scrutiny. The impact of building in this area will be greater than the same proposal in the rear. Testifying in opposition was Dudley Brownell who stated his property is immediately to the north of the subject property and his residence is about 600 feet east of the proposed construction and at a higher elevation than that of the Petitioners. Protestants Exhibits 6A – 6D are old photographs taken by the Brownells to demonstrate that they can see the area planned for the rear yard addition as well as the front yard shed. Mr. Brownell is concerned that the planned landscaping will be inadequate to screen or buffer the view of these improvements, the lighting that will emanate from these structures, as well as the noise from automobile service work that is likely to take place in the

) new garage. He questions the need of having six (6) garages on the premises, which will only serve to exacerbate the number of personal and collectible automobiles that are brought to and kept on the property. Messrs. Dietrich and Matz counter these concerns by indicating their acceptance to appropriate restrictions and conditions upon approval and argue that the larger shed will be in the same approximate location and the structure will be more attractive as it will be constructed of wood and brick veneer which will match the house. The existing shed is 25 years old and is in very poor condition. Additionally, because the property is a relatively large property, a larger structure is needed to house all of the tools and equipment used to maintain the property. They state that the unique conditions of the property warrant the new structure's location in the front yard. Current structure locations create a large front yard and a small rear yard. At the planned location the new garage would be 170 feet from the closest neighboring home. Weighing all the testimony and evidence on this issue, I am persuaded to agree with Mr. Brownell that granting a significant increase of a front yard accessory structure would adversely impact the neighborhood.¹

) The history of this property is clear. The Petitioners took it upon themselves to purchase the property, proceeded through various administrative proceedings in order to develop the site with a home and have been able to utilize it as their residence. Any Petitioner who seeks relief from the applicable ordinances must exercise proper diligence in ascertaining the zoning requirements to avoid a resulting hardship. If such diligence (in recognizing that accessory buildings are to be located only in the rear yard) is not exercised, the hardship must be regarded as self-created and zoning relief can be properly refused. Unfortunately for these Petitioners, I find the problem here is a personal one and is not a problem inherent in the land itself or in the application of the B.C.Z.R. to the land.

) ¹ This finding is in keeping with the conclusions reached by Mr. Schmidt in Case No. 01-460-A involving a front yard variance from B.C.Z.R. Section 415A.1.A where at Page 4 he states, "I believe that strict adherence to the zoning regulations should be mandated".

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of July, 2008 that the Petition for Special Hearing seeking relief from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the demolition of an existing shed in the rear yard and the construction of an addition to the existing residence in place of the shed, in accordance with Petitioners' Exhibits 1 and 4, be and is hereby GRANTED; and

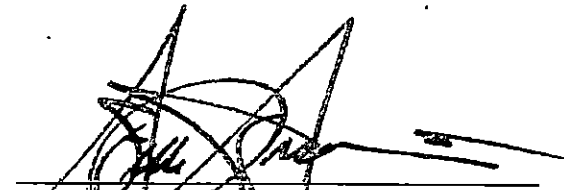
IT IS FURTHER ORDERED, that the Petition for Special Hearing to permit the demolition of an existing shed and replacement in a previously approved location with a larger garage structure in the front yard (replace a 12' x 20' shed with a 28' x 32' structure) be and is hereby DENIED; and

IT IS FURTHER ORDERED, that the Petition for Special Hearing to authorize an amendment to the site plan approved in Case No. 99-183-A, in accordance with the relief conferred above, be and is hereby GRANTED, subject to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appeal period from the date of this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

Prior Zoning 11/12

IN RE: PETITION FOR VARIANCE	* BEFORE THE
NE/S Glen Arm Road, 2250' N of Manor Road,	* ZONING COMMISSIONER
(11444 Glen Arm Road)	
11 th Election District	* OF BALTIMORE COUNTY
6 th Councilmanic District	
Daniel Dietrich and Vienna Heerd	* Case No. 99-183-A
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Daniel Dietrich and Vienna Heerd. The Petitioners seek relief from Sections 1A04.3.B.2 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit lot line setbacks of 20 feet and 24 feet in lieu of the required 50 feet each, and to allow an existing shed to remain in the front yard in lieu of the required rear yard location. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Daniel Dietrich and Vienna Heerd, property owners, Frank L. Dietrich, Richard E. Matz, Professional Engineer who prepared the site plan for this property, and Deborah Dopkin, Esquire, attorney for the Petitioners. Also appearing in support of the request were Gary Heiderman, adjoining property owner, William Bissell, and Teresa Louro. Appearing as Protestants in the matter were numerous residents of the surrounding community, all of whom signed the Protestants' Sign In Sheet. Serving as spokespersons for the group were Dudley Brownell, adjoining property owner, and Stanley M. Pollack.

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.11 acres, more or less, zoned R.C.5. The property is located not far from Gunpowder Falls State Park, and vehicular access thereto is by way of a driveway that leads to Glen Arm

Road. Testimony indicated that the subject property is actually a compilation of what were originally four separate lots of record. However, the Petitioners purchased the property as a single parcel and will formally combine the four lots into one single lot, pending the outcome of the request for variance.

The property was previously improved with a single family dwelling which was shown in several photographs submitted at the hearing. That dwelling was constructed in the 1950s and had apparently become termite infested and was in a dilapidated condition when the Petitioners purchased the property. In order to improve the property, the Petitioners razed the dwelling, apparently without the benefit of a County razing permit.

The Petitioners propose to construct a new single family dwelling on essentially the same building footprint as the old dwelling. In fact, it was indicated that the existing foundation has been preserved and will be utilized. The building envelope will be slightly larger, however, primarily due to the proposed construction of an attached two-car garage and porch on the front of the house. As a result of these improvements, lot line setbacks of 20 feet and 24 feet will be maintained, in lieu of the required 50 feet. It was indicated at the hearing that the previous dwelling had also been deficient, insofar as setbacks were concerned; however, was grandfathered under the regulations in view of its age. Variance relief is also required to allow a shed to remain in the front yard. The site plan and photographs submitted show that there are two sheds presently on the property.

The granting of variance relief is provided in Section 307 of the B.C.Z.R. That Section allows the Zoning Commissioner to grant relief upon making certain findings of fact; to wit, that the property at issue is unique, that the Petitioner/Property Owner would suffer a practical difficulty or unreasonable hardship if relief were denied, and that relief can be granted within the spirit and intent of the zoning regulations and without adverse impact to the surrounding locale. (See also, Cromwell v. Ward, 102 Md. App. 691 (1995).

Turning first to the uniqueness of the property, I am persuaded that this property is indeed unique. The uniqueness arises from several factors. First, the property is of an irregular

shape. Also, the grade of the property is somewhat irregular. That is, the site of the previous house and existing foundation is one of the few flat portions of the property. Although structures can be built into a grade, it is clear that a flat grade is more desirable. Finally, uniqueness is also determined by the location of existing improvements on the site, not only including the foundation, but the existing septic reserve area and well. For all of these reasons I find that the property is unique.

Second, I also find that the Petitioners would suffer a practical difficulty if relief were denied. Owing to the site constraints set forth above, the area for building where all setbacks would be observed is extremely limited. Due to the irregular shape of the property, there is an extremely small area where a building footprint could be located and 50-foot setbacks maintained. As importantly, the location of the new structure elsewhere on the property would threaten the viability of the existing well and septic field, as well as well and septic systems off-site. County environmental regulations require appropriate setback distances between septic systems and wells, even those on adjacent properties. These regulations significantly limit the Petitioners' options.

Third, I find that there will be no detrimental impact on the surrounding locale occasioned by the granting of the variance. Moreover, the granting of the relief will be consistent with the spirit and intent of the zoning regulations.

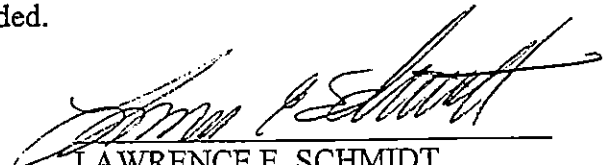
In this regard, the opposition of the Protestants is quite difficult to fathom. The Petitioners are utilizing an existing parcel and propose to improve same with one single family dwelling, irrespective of the fact that they might arguably develop the property with four individual units. That is, rather than developing the parcel based upon its potential maximum development rights as four separate lots of records, these Petitioners are willingly limiting development to a single structure. Moreover, the Petitioners have razed a structure which was admittedly in a state of disrepair and intend to replace same with a new building, thereby enhancing this property and the surrounding neighborhood. Furthermore, the Petitioners are essentially developing the property with nothing more than what has previously existed for

nearly half a century. The property is located in a rural area that features large, single family dwellings on equally large lots. The Petitioners' proposal is not out of character or context with the area and I find no merit with the objections of the Protestants. The Petition shall therefore be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of January, 1999 that the Petition for Variance seeking relief from Sections 1A04.3.B.2 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit lot line setbacks of 20 feet and 24 feet in lieu of the required 50 feet each, and to allow an existing shed to remain in the front yard in lieu of the required rear yard location, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Google Maps 11444 Glen Arm Rd



Imagery ©2016 Google, Map data ©2016 Google 50 ft

11444 Glen Arm Rd

Glen Arm, MD 21057

DIETRICH RESIDENCE
AND GARAGE

SARANT RESIDENCE

Item # 0176

Google Maps 11444 Glen Arm Rd



Imagery ©2016 Google Map data ©2016 Google 50 ft

11444 Glen Arm Rd
Glen Arm, MD 21057

SARANT RESIDENCE

DIETRICH GARAGE

DIETRICH RESIDENCE

Item #0176

Google Maps 11444 Glen Arm Rd



Imagery ©2016 Google, Map data ©2016 Google 20 ft

11444 Glen Arm Rd

Glen Arm, MD 21057

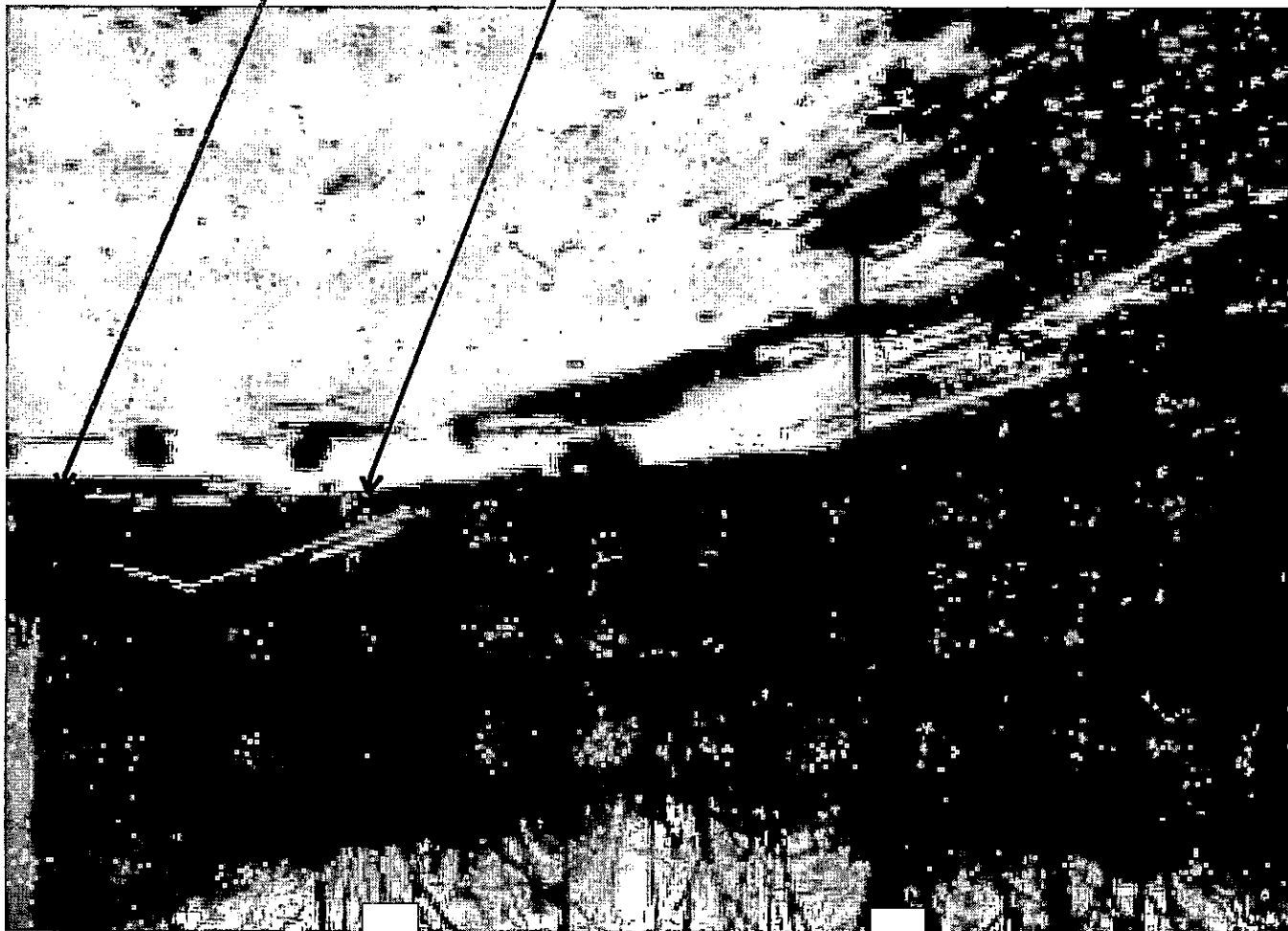
RESIDENCE AND ADDITION

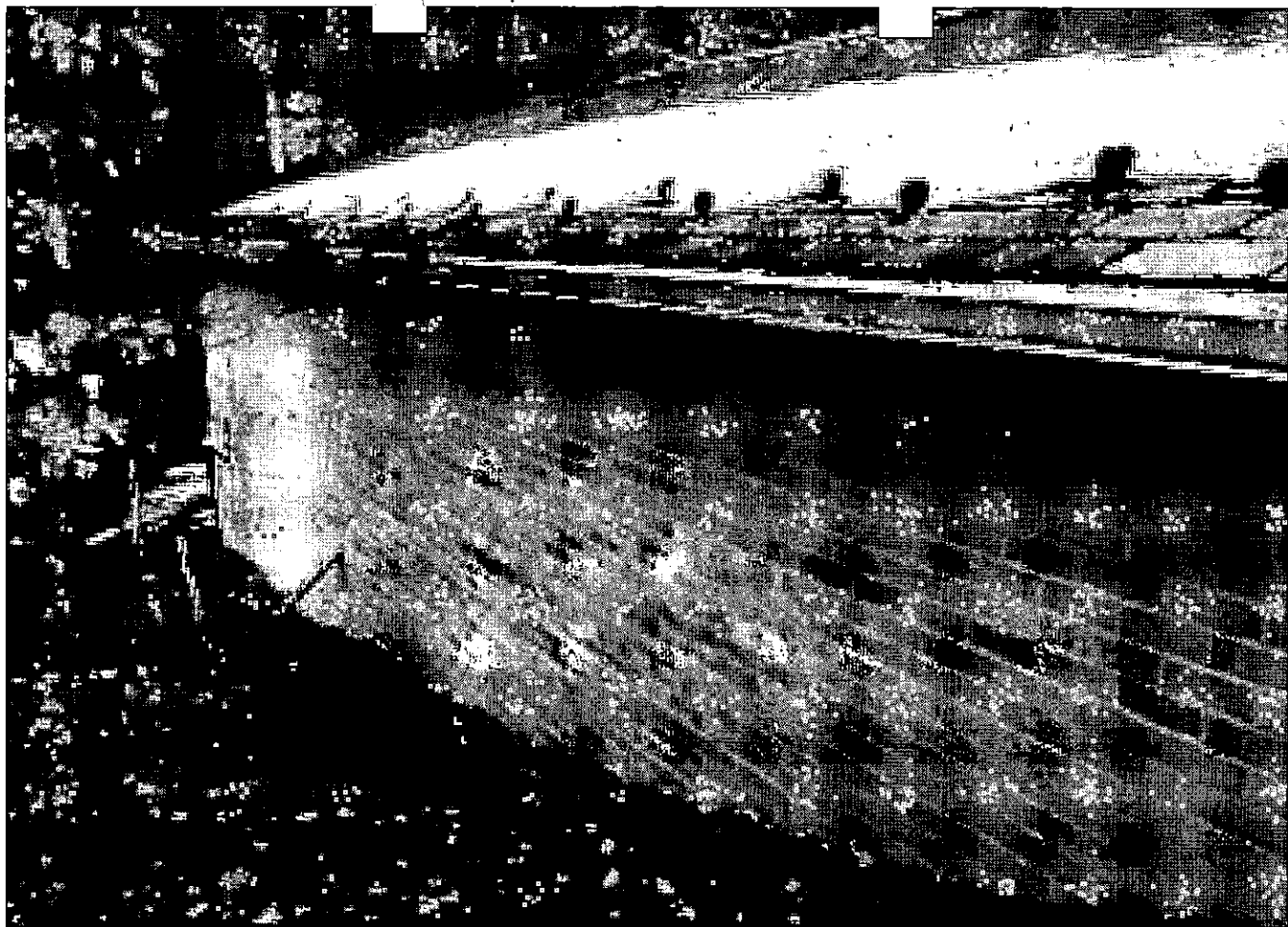
Item # 0176

Item #0176

RESIDENCE

GARAGE





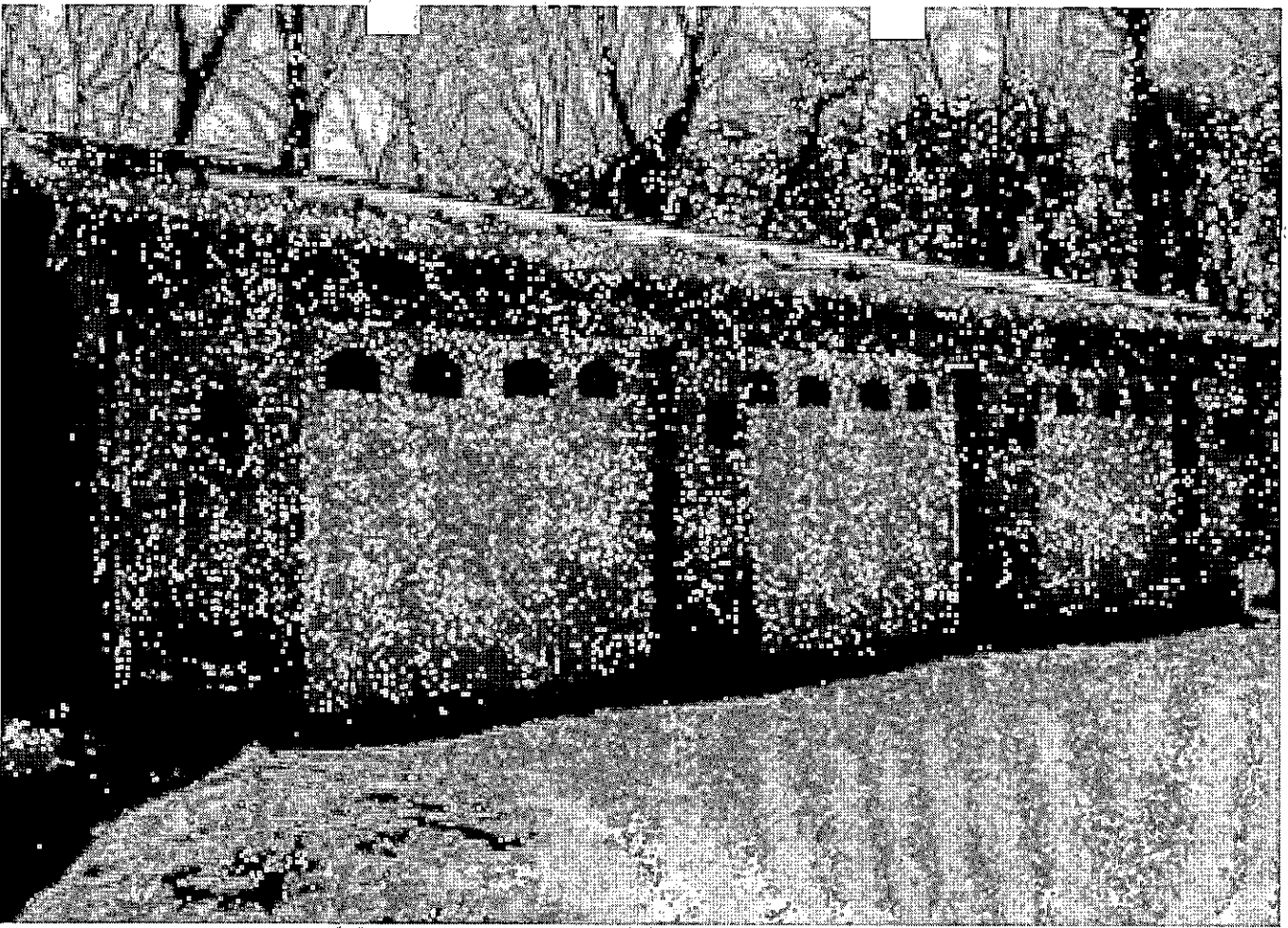
REAR OF GARAGE

Item # 0176

Item #0176

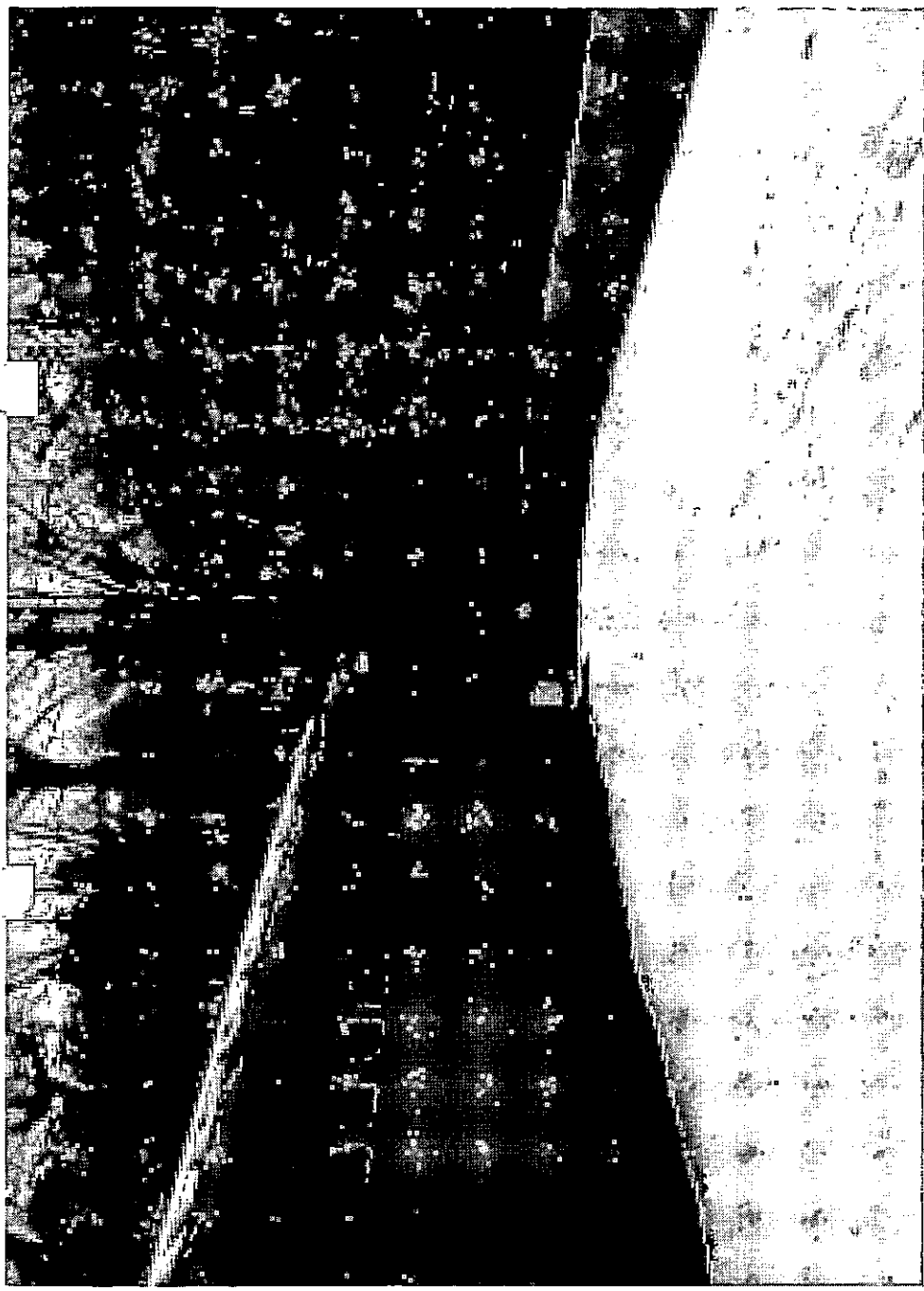
SIDE OF GARAGE NEAREST TO HOUSE





GARAGE

Item #0176



GARAGE

Item #0176



Item #0176



PROPERTY LINE WITH SARANT PROPERTY

Item #0176



SARANT RESIDENCE

Item #0176



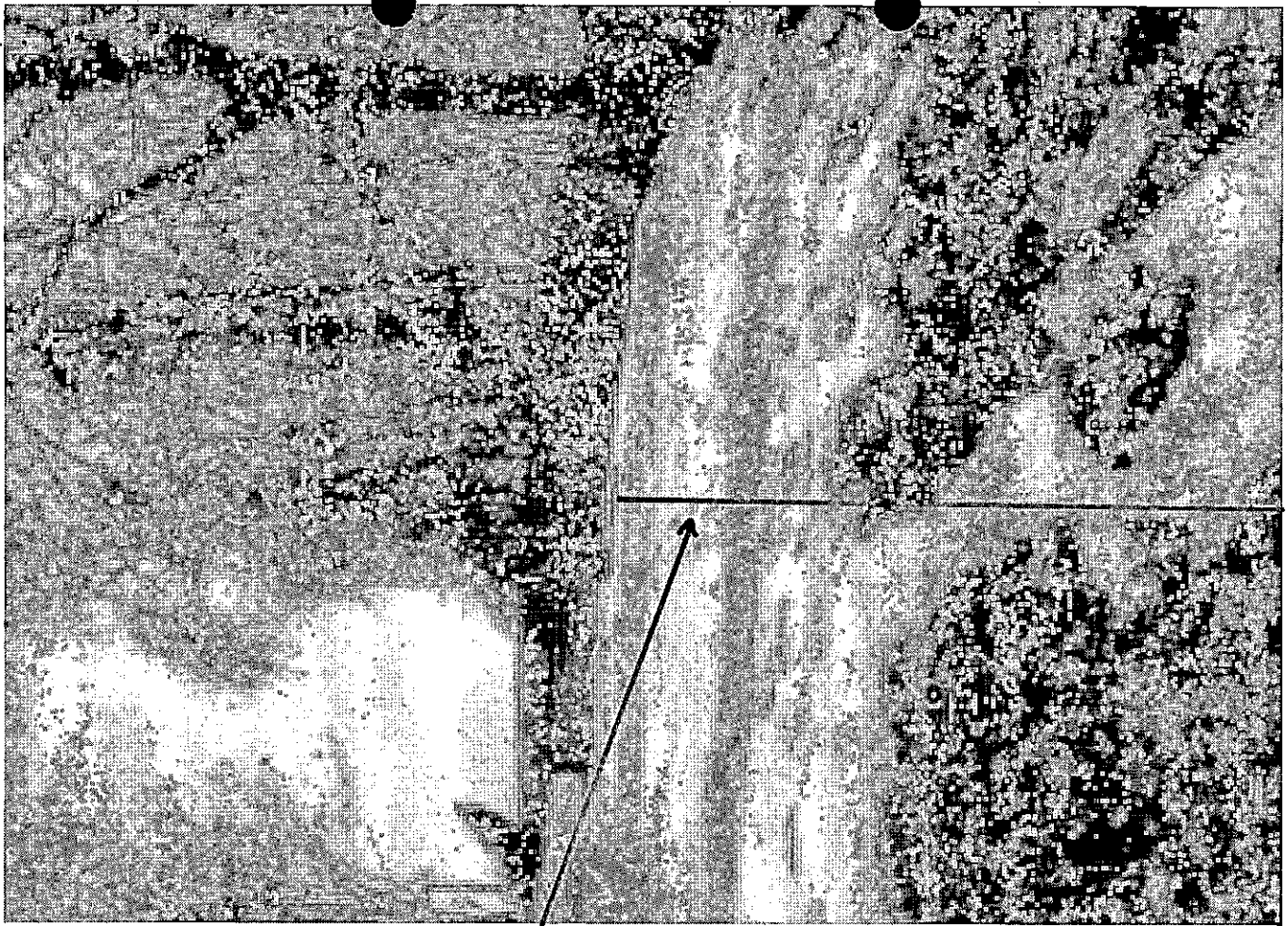
SARANT RESIDENCE FROM PATIO
ADJACENT TO RESIDENCE/ADDITION

Item #0176



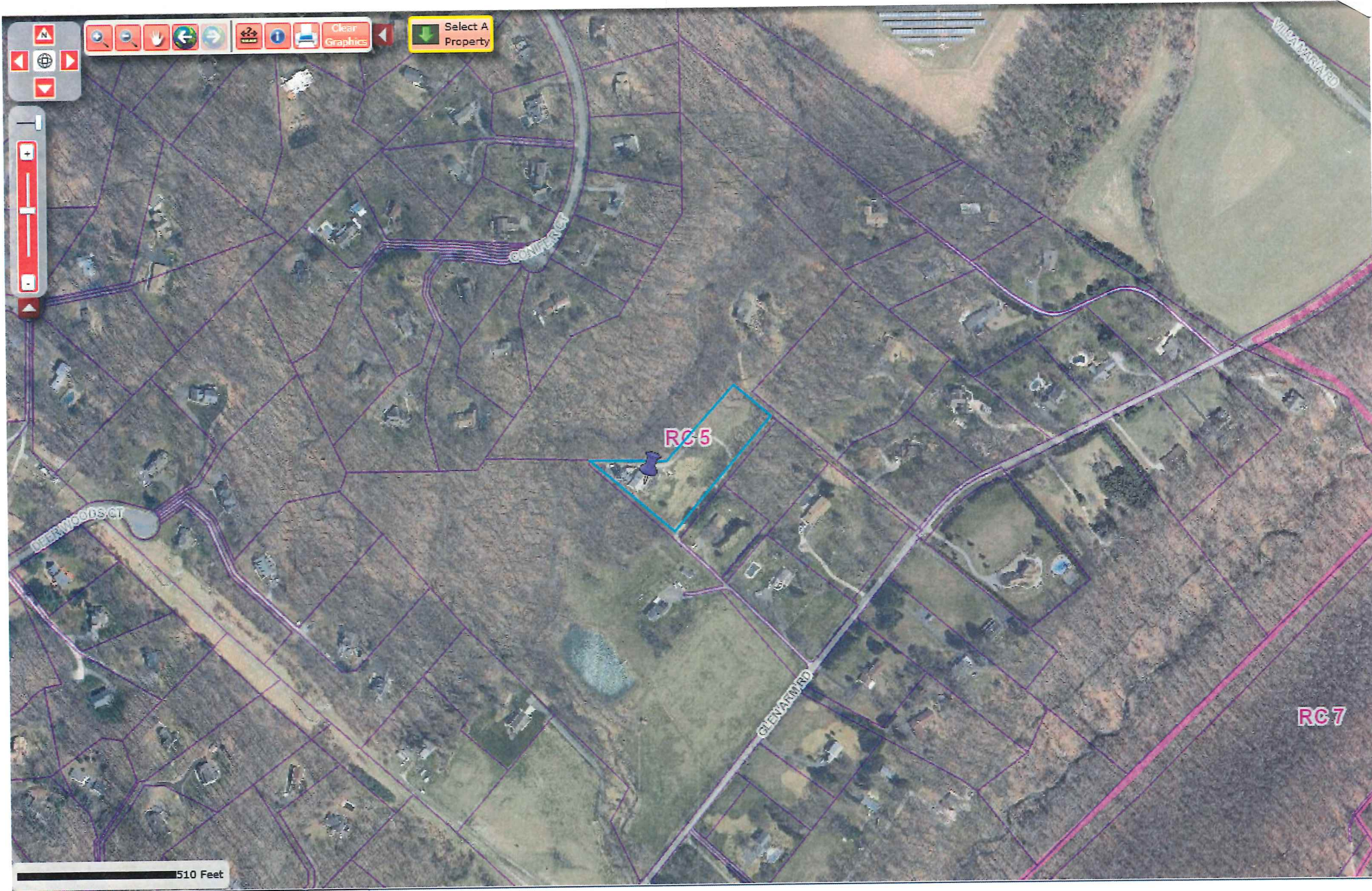
PROPERTY LINE WITH SARANT PROPERTY

Item #0170



PROPERTY LINE WITH SARANT PROPERTY

Item #017C



Item #0174

nearly half a century. The property is located in a rural area that features large, single family dwellings on equally large lots. The Petitioners' proposal is not out of character or context with the area and I find no merit with the objections of the Protestants. The Petition shall therefore be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the requested variance shall be granted:

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of January, 1999 that the Petition for Variance seeking relief from Sections 1A04.3.B.2 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit lot line setbacks of 20 feet and 24 feet in lieu of the required 50 foot each, and to allow an existing shed to remain in the front yard in lieu of the required rear yard location, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

CASE NO. 99-183-A- BOARD OF APPEALS

Case No. 99-183-A, 2001 WL 612121, 2001 U.S. Dist. LEXIS 10082 (D. Minn. April 11, 2001) (Dietrich and Vignas, Judges)

ORDER

THEREFORE, IT IS THIS 23rd day of June, 2000 by the
County Board of Appeals of Baltimore County

ORDERED that Petitioners' request for variance relief seeking to permit lot line setbacks of 20 feet and 24 feet in lieu of the required 50 feet each be and the same is hereby GRANTED.

It is also noted that Petitioners' request for variance relief to allow an existing shed to remain in the front yard in lieu of the required rear yard location was not an issue before the Board and therefore remains as granted by the Zoning Commissioner.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY
Lawrence M. Selt, Chairman

Lawrence S. Wessott

Margaret Worrall

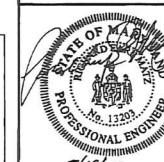
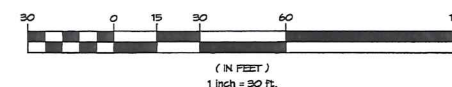
SPECIAL HEARING REQUEST:
TO AMEND THE SITE PLAN APPROVED IN CASE
NO. 99-183-A, TO PERMIT
1. THE DEMOLITION OF AN EXISTING SHED IN
THE REAR YARD AND THE CONSTRUCTION
OF AN ADDITION TO THE EXISTING RESIDENCE
IN PLACE OF THE SHED:

2. THE DEMOLITION OF AN EXISTING SHED
AND REPLACEMENT IN A PREVIOUSLY
APPROVED LOCATION WITH A LARGER SHED
IN THE FRONT YARD.

PLAN TO ACCOMPANY SPECIAL HEARING PETITION
SPH-2008-0468

11444 GLEN ARM ROAD

11TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.



Colbert Matz Rosenfelt, Inc.

*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

04/14/07.					
1	7/16/08	REDLINE FOR HEARING	TNW	SCALE: 1"= 30'	
				DATE: 04/07/08	
				JOB NO.: 98157	
				DESIGNED:	
				DRAWN: DSL	
				CHECKED: JMF	
				FILE: 98157 SPECIAL HEARING	
				DRAWING NUMBER:	
					SPH-1
NO.	DATE	REVISIONS:	RY	SHFFT	1 OF 1

EXHIBIT NO.

Item #0176

ZONING HISTORY

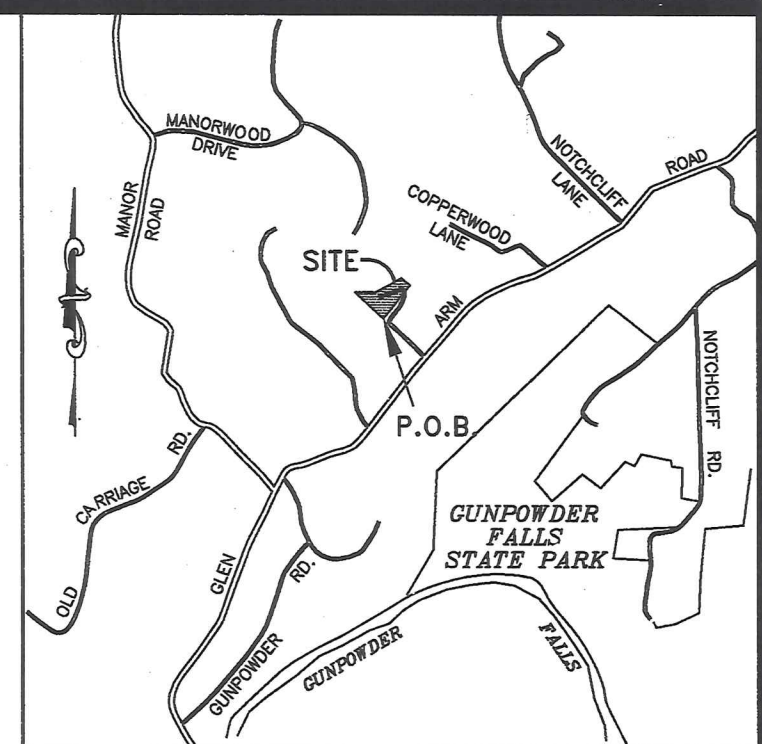
ON FEBRUARY 8, 1999, THE DRC APPROVED A LIMITED EXEMPTION UNDER SECTION 26-171(B)(1) FOR THIS DEVELOPMENT. (DRC #101981)

ON JANUARY 21, 1999, IN CASE NO. 99-183-A, THE ZONING COMMISSIONER OF BALTIMORE COUNTY APPROVED A VARIANCE FOR RELIEF OF SECTIONS 1A04.3.B.2 AND 400.1 OF THE BCZR, TO PERMIT LOT LINE SETBACKS OF 20 FEET AND 24 FEET IN LIEU OF THE REQUIRED 50 FEET EACH, AND TO ALLOW AN EXISTING SHED TO REMAIN IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD LOCATION.

ON JUNE 23, 2000 THE VARIANCES WERE UPHELD BY THE BOARD OF APPEALS.

ON AUGUST 2, 2001, IN CASE NO. 01-460-A, THE ZONING COMMISSIONER OF BALTIMORE COUNTY DENIED A VARIANCE FOR RELIEF OF SECTION 415.A.1.A OF THE BCZR, TO PERMIT A RECREATIONAL TRAILER (FOR HAULING ANTIQUE CARS) TO BE LOCATED IN THE FRONT YARD OF THE SUBJECT PROPERTY IN LIEU OF THE REQUIRED REAR OR SIDE YARD.

ON JULY 29, 2008, IN CASE NO. 2008-0468--SPH, THE ZONING COMMISSIONER OF BALTIMORE COUNTY GRANTED AND DENIED A PETITION FOR SPECIAL HEARING TO BUILD AN ADDITION (GRANTED) AND REPLACE THE SHED IN FRONT (DENIED).



VICINITY MAP
SCALE: 1" = 2000'

NOTES

- OWNERS: DANIEL L. DIETRICH
VIENNA C. DIETRICH
11444 GLEN ARM ROAD
GLEN ARM, MD 21057
- SITE DATA:
AREA OF SITE: 91,821± SF OR 2.1± ACRES
TAX ACCOUNT NO. 22-00-023516
DEED REFERENCE: 17651/37
TAX MAP 62 PARCEL 432
ZONED R.C. 5 (ZONING MAP 62B1)
- THIS SITE IS NOT IN A 100-YEAR FLOODPLAIN.
- THIS SITE IS SERVED BY ON-SITE PRIVATE WELL AND SEPTIC SYSTEM.
- THE SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE AND BUILDINGS ARE NOT HISTORIC.
- ON SITE LOCATIONS OF BUILDINGS AND DRIVEWAYS WERE LOCATED BY FIELD RUN SURVEY (COLBERT MATZ ROSENFELT, INC. JANUARY 2008). OTHER TOPOGRAPHICAL FEATURES ARE BASED ON BALTIMORE COUNTY GIS.

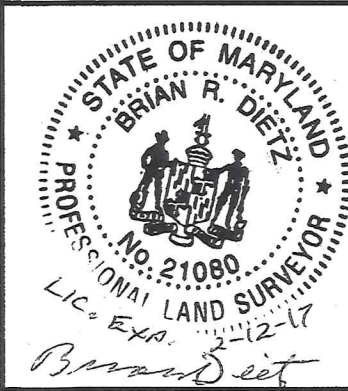
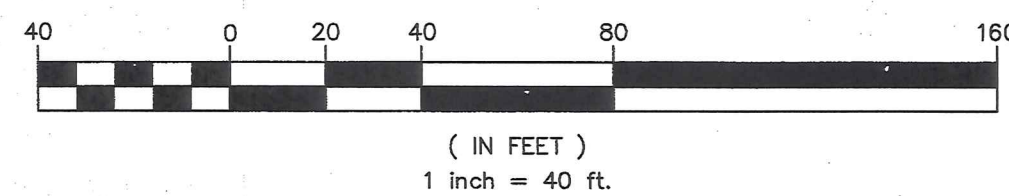
#2016-0176-A

R.D.

PLAN TO ACCOMPANY A ZONING VARIANCE

11444 GLEN ARM ROAD

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BALTIMORE COUNTY, MARYLAND



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SCALE: 1" = 40'
DATE: FEBRUARY 1, 2016
JOB NO.: 98157
DESIGNED:
DRAWN: TRB
CHECKED: BRO
FILE: 98157 ZONING VARIANCE
DRAWING
NUMBER:

NO. DATE REVISIONS: BY SHEET 1 OF 1

Pat. Exp. 1

ZONING HISTORY

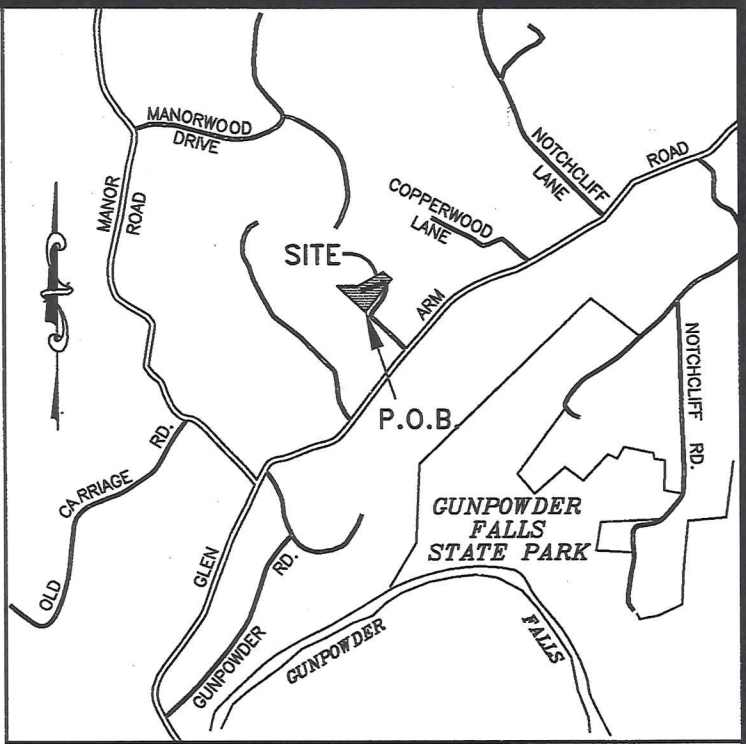
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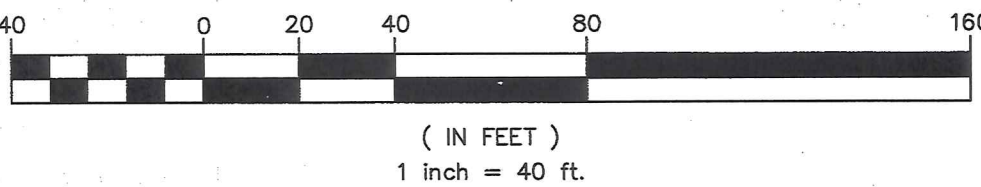
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