

MEMORANDUM

DATE: July 25, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0265-A – Appeal Period Expired

The appeal period for the above-referenced case expired on July 22, 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 VARIANCE

(2914 Delaware Avenue)

13th Election District

1st Council District

Donald & Eva Nieberlein

Legal Owners

Petitioners

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0265-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Donald & Eva Nieberlein, legal owners of the subject property ("Petitioners"). Petitioners request variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §100.6 to permit chickens to be kept on a residential property that is 6,250 sq. ft. in lieu of the required 1 acre. A site plan was marked as Petitioners' Exhibit 1.

Donald & Eva Nieberlein appeared in support of the Petition. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. A substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP). That agency opposed the request, and indicated Petitioners failed to address how noise and/or nuisance concerns would be addressed.

The subject property is approximately 6,250 square feet and is zoned DR 5.5. The property is improved with a small single-family dwelling. Petitioners stated they acquired several chickens over a year ago, and have since that time kept the birds in a small coop in their backyard. Petitioners testified their neighbors and grandchildren are especially fond of the hens. The Petitioners eat the eggs laid by the hens, and also share many of the eggs with their neighbors.

A variance request involves a two-step process, summarized as follows:

ORDER RECEIVED FOR FILING

Date

By

6/22/16

SEN

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The property has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would not be permitted to keep the chickens. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

Petitioners submitted photographs which show their property is attractive and well maintained. Exhibit 3. Mr. Nieberlein stated he cleans the chicken coop on a regular basis, and said they have never had a problem with pests or rodents. Petitioners stated they do not own a rooster, and that the hens are very quiet. In any event, leaf blowers and dogs (both common in suburban environments) generate far more noise than a small number of hens. I believe this testimony adequately addresses the concerns identified by the DOP.

In addition, Petitioners testified there have been no complaints whatsoever since they acquired the birds over a year ago. Petitioners suspect an anonymous complaint was filed by a neighbor down the street, with whom Petitioners recently had a disagreement. Petitioners also submitted a document signed by their adjoining and nearby neighbors, all of whom stated they are "NOT opposed to Mr. Nieberlein's ownership of chickens." Exhibit 2 (emphasis in original). In these circumstances, I do not believe granting the request would be detrimental to the health, safety and welfare of the community.

THEREFORE, IT IS ORDERED, this 22nd day of **June, 2016**, by the Administrative Law

ORDER RECEIVED FOR FILING

Date

6/22/16

By

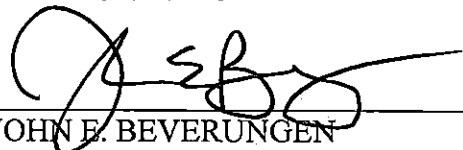
pen

Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R) §100.6 to permit chickens to be kept on a residential property that is 6,250 sq. ft. in lieu of the required 1 acre; be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. No roosters may be kept on the subject property.

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/sln

ORDER RECEIVED FOR FILING

Date 6/22/16

By sln



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 2914 DELAWARE AVE BALTIMORE MD 21227 which is presently zoned RESIDENTIAL
Deed References: 1625D / 00592 10 Digit Tax Account # 13 11 02 06 40
Property Owner(s) Printed Name(s) DONALD AND EVA NIEBERLEIN

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

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

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s) BCZR: 100.6

→ To permit chickens to be kept on a residential property that is 6250 sq. ft. in lieu of the required 1 acre.

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

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

DONALD NIEBERLEIN EVA NIEBERLEIN
Name #1 - Type or Print Name #2 - Type or Print

Donald Nieberlein Eva Nieberlein
Signature #1 Signature #2

2914 DELAWARE AVE BALTIMORE MARYLAND
Mailing Address City State

21227 1443-668-4443 DEN1496@AOL.COM
Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2016-0265-A Filing Date 4/28/16 Do Not Schedule Dates: Reviewer JS

Zoning property description for 2914 Delaware Avenue.

Beginning at point on the *NORTHEAST SIDE* of Delaware Avenue, which is 25 feet wide at the distance of 340' *SOUTHEAST FROM INTERSECTION WITH BRIAN STREET (25' WIDE)*.

Being lots 29 and 30, Section "K" in the subdivision of Baltimore Highlands as recorded in Baltimore County Plat Book #3, folio #50, containing 6,240 square feet, located in the 13TH Election District and 01 Council District.

2016-0265-A



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4207886

Sold To:

Donald & Eva Nieberlein - CU00540244
2914 Delaware Ave
Halethorpe, MD 21227-3711

Bill To:

Donald & Eva Nieberlein - CU00540244
2914 Delaware Ave
Halethorpe, MD 21227-3711

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

May 31, 2016

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

NOTICE OF ZONING HEARING

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

Case: # 2016-0265-A
2914 Delaware Avenue
NE/s of Delaware Avenue, 340 ft. SE of the centerline
with Brian Street
13th Election District - 1st Councilmanic District
Legal Owner(s) Donald & Eva Nieberlein

Variance: to permit chickens to be kept on a residential property that is 6250 sq. ft. in lieu of the required 1 acre.

Hearing: Monday, June 20, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 5/823 May 31

4207886

CERTIFICATE OF POSTING

2016-0265-A

RE: Case No.: _____

Petitioner/Developer: _____

Donald & Eva Neiberlein

June 20, 2016

Date of Hearing/Closing: _____

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

Attn: 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: _____

2914 Delaware Ave

May 31, 2016

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,



(Signature of Sign Poster) May 31, 2016

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



KEVIN KAMENETZ
County Executive
May 17, 2016

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: 2016-0265-A

2914 Delaware Avenue

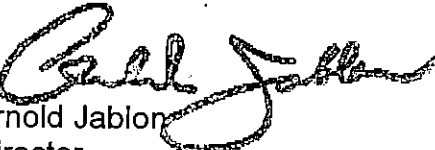
NE/s of Delaware Avenue, 340 ft. SE of the centerline with Brian Street

13th Election District – 1st Councilmanic District

Legal Owners: Donald & Eva Nieberlein

Variance to permit chickens to be kept on a residential property that is 6250 sq. ft. in lieu of the required 1 acre.

Hearing: Monday, June 20, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Neiberlein, 2914 Delaware Avenue, Baltimore 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 31, 2016.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 31, 2016 Issue - Jeffersonian

Please forward billing to:

Donald & Eva Nieberlein
2914 Delaware Avenue
Baltimore, MD 21227

443-668-4443

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2016-0265-A

2914 Delaware Avenue

NE/s of Delaware Avenue, 340 ft. SE of the centerline with Brian Street

13th Election District – 1st Councilmanic District

Legal Owners: Donald & Eva Nieberlein

Variance to permit chickens to be kept on a residential property that is 6250 sq. ft. in lieu of the required 1 acre.

Hearing: Monday, June 20, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
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Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
2914 Delaware Avenue; NE/S Delaware Avenue, *
340' SW of c/line Brian Street * OF ADMINISTRATIVE
13th Election & 1st Councilmanic Districts *
Legal Owner(s): Donald & Eva Nieberlein * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2016-265-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

MAY 04 2016

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of May, 2016, a copy of the foregoing Entry of Appearance was mailed to Donald & Eva Nieberlein, 2914 Delaware Avenue, Baltimore, Maryland 21227, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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 legal owner/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 legal owner/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:

Case Number: 2016-0265-A

Property Address: 2914 DELAWARE AVE.

Property Description: _____

Legal Owners (Petitioners): DONALD + EVA NIEBERLEIN

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: DONALD + EVA NIEBERLEIN

Company/Firm (if applicable): _____

Address: 2914 DELAWARE AVE.

HALETHORPE, MD 21227

Telephone Number: 443-668-4443

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

No. **139235**

Date: **4/28/16**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 4/29/2016 4/28/2016 11:29:33 3

WS03 WALKIN CNET CMI
 >> RECEIPT # 675813 4/28/2016 GFLN

Dept 5 523 ZONING VERIFICATION
 NO. 139235

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

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: **75.00**

Rec From: **NIEBERLEN**

For: **2016-0265-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

June 14, 2016

Donald & Eva Nieberlein
2914 Delaware Avenue
Baltimore MD 21227

RE: Case Number: 2016-0265 A, Address: 2914 Delaware Avenue

Dear Mr. & Ms. Nieberlein:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 28, 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, with the first letters of the first and last names being capitalized and prominent.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

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



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

Date: 5/5/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2016-0265-A

Variance
Donald & Eva Nieberlein
2914 Delaware Avenue

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,

Wendy Wolcott, PLA

Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired or Speech 1-800-735-2258 Statewide Toll-Free

Street Address: 320 West Warren Road * Hunt Valley, Maryland 21030 * Phone 410-229-2300 or 1-866-998-0367 * Fax 410-527-4690

www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: May 20, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-265

RECEIVED
MAY 24 2016
OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 2914 Delaware Avenue
Petitioner: Donald Nieberlein, Eva Nieberlein
Zoning: DR 5.5
Requested Action: Variance

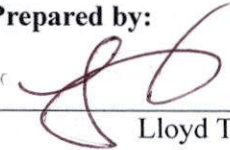
The Department of Planning has reviewed the petition for the requested variance to permit chickens to be kept on a residential property being 6,250 SF in area in lieu of the required 1 acre.

A site visit was conducted on May 11, 2016. The property is the subject of Code Violation Case # CC1602014.

The Department does not support granting the petitioned zoning relief. The subject property being situated within a dense residentially developed area and in total at 6,250 sq. feet, is only 14% of the amount of land required for the keeping of fowl. The petitioner does not explain how potential nuisances related to rodents and/or noise can be mitigated.

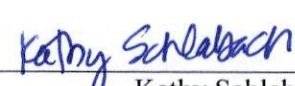
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlach

AVA/KS/LTM/ka

c: Dennis Wertz
Donald and Eva Nieberlein
Office of the Administrative Hearings
People's Counsel for Baltimore County

6-20

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

MAY 10 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: May 9, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0265-A
Address 2914 Delaware Avenue
(Nieberlein Property)

Zoning Advisory Committee Meeting of May 9, 2016.

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

Reviewer: Steve Ford

Date: 05-09-2016

To wcn

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: May 19, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For May 9, 2016
Item No. 2016-0259, 0260, 0263, 0264, 0265, 0266 and 0268

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\ZAC05092016.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: May 20, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-265

INFORMATION:

Property Address: 2914 Delaware Avenue
Petitioner: Donald Nieberlein, Eva Nieberlein
Zoning: DR 5.5
Requested Action: Variance

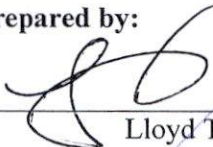
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Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz
Donald and Eva Nieberlein
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: May 9, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0265-A
Address 2914 Delaware Avenue
(Nieberlein Property)

Zoning Advisory Committee Meeting of May 9, 2016.

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

Reviewer: Steve Ford

Date: 05-09-2016

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
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<u>5/9</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
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	DEPS (if not received, date e-mail sent _____)	
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<u>5/20</u>	FIRE DEPARTMENT	
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	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
--	---	----------

<u>5/5/16</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
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	TRAFFIC ENGINEERING	
--	---------------------	--

	COMMUNITY ASSOCIATION	
--	-----------------------	--

	ADJACENT PROPERTY OWNERS	
--	--------------------------	--

ZONING VIOLATION	(Case No. <u>CC1602014</u>)
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PRIOR ZONING	(Case No. _____)
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NEWSPAPER ADVERTISEMENT	Date: <u>5/31/16</u>
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SIGN POSTING	Date: <u>5/31/16</u> by <u>SSG Black</u>
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PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐
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PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐
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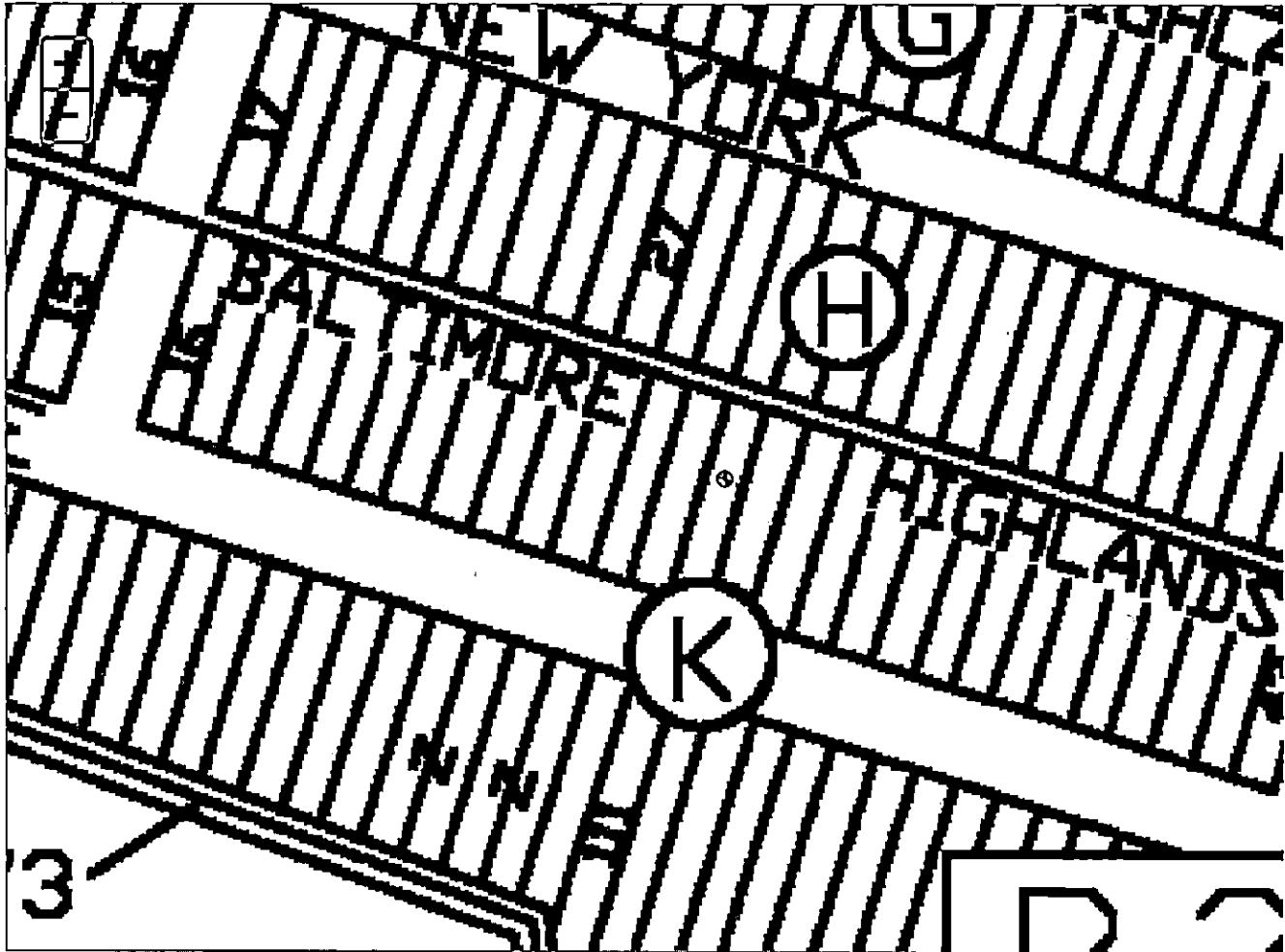
Comments, if any: _____

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 13 Account Number - 1311000640			
Owner Information					
Owner Name:		NIEBERLEIN EVA MARIE NIEBERLEIN DONALD JR		Use:	RESIDENTIAL
Mailing Address:		2914 DELAWARE AVE BALTIMORE MD 21227-3711		Principal Residence:	YES
				Deed Reference:	/16250/ 00592
Location & Structure Information					
Premises Address:		2914 DELAWARE AVE 0-0000		Legal Description:	LT 29,30 2914 DELAWARE AVE BALTIMORE HIGHLANDS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0109	0011	0385		0000	K 29 2016 0003/0050
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1960	864 SF	392 SF	6,250 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	YES	STANDARD UNIT	SIDING	1 full	
Value Information					
	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	63,200	63,200			
Improvements	68,200	83,400			
Total:	131,400	146,600	131,400	136,467	
Preferential Land:	0			0	
Transfer Information					
Seller: MALINOWSKI EVA MARIE		Date: 03/27/2002		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /16250/ 00592		Deed2:	
Seller: KAIL WILLIAM J		Date: 05/10/1993		Price: \$89,500	
Type: ARMS LENGTH IMPROVED		Deed1: /09752/ 00657		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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 11/12/2010					

Baltimore County[New Search \(http://sdat.dat.maryland.gov/RealProperty/\)](http://sdat.dat.maryland.gov/RealProperty/)District: **13** Account Number: **1311000640**

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 (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

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>).

Case No.: 2016-0265-A

Exhibit Sheet

Petitioner/Developer

193
7-25-16

Protestants

Sen
6-22-16

No. 1	Site plan	
No. 2	Petition signed by neighbors	
No. 3	Photos	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Residents of Delaware Avenue who are NOT opposed to Mr. Nieberlein's ownership of Chickens

(Please sign your name and write your address. Thank You!)

2912 Delaware ave Michael McNally
2913 DELAWARE AVE Charles R. Schubert
2916 Delaware Ave William Biegel
2916 Delaware ave Phil Han Jume
2915 Delaware AVE Sphakhan
2917 DELAWARE AVE Ross E. Hef
2910 Stacey Dan DELAWARE AVE

Petitioners' No. 2



PETITIONER' S

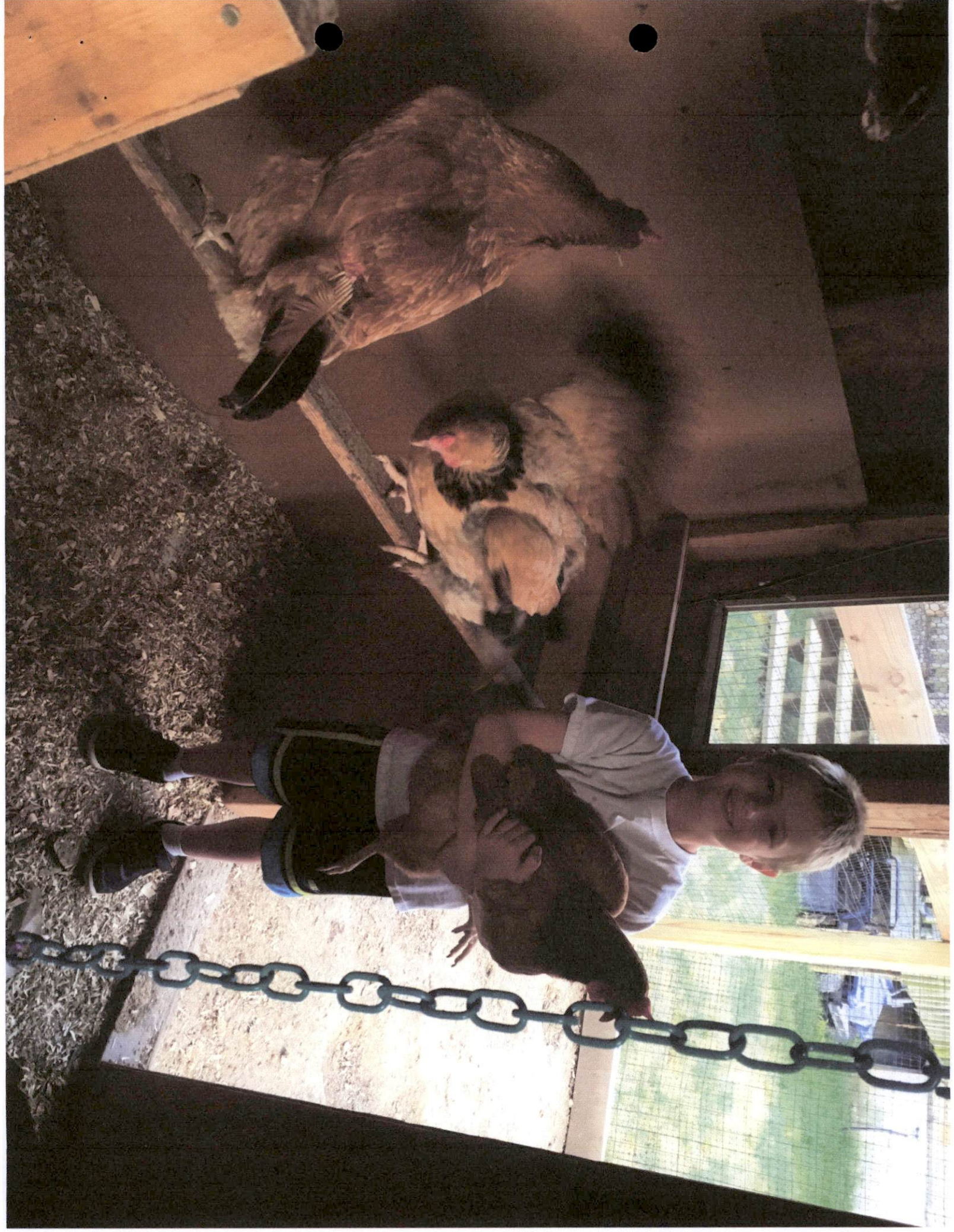
EXHIBIT NO.

3

6-11-15





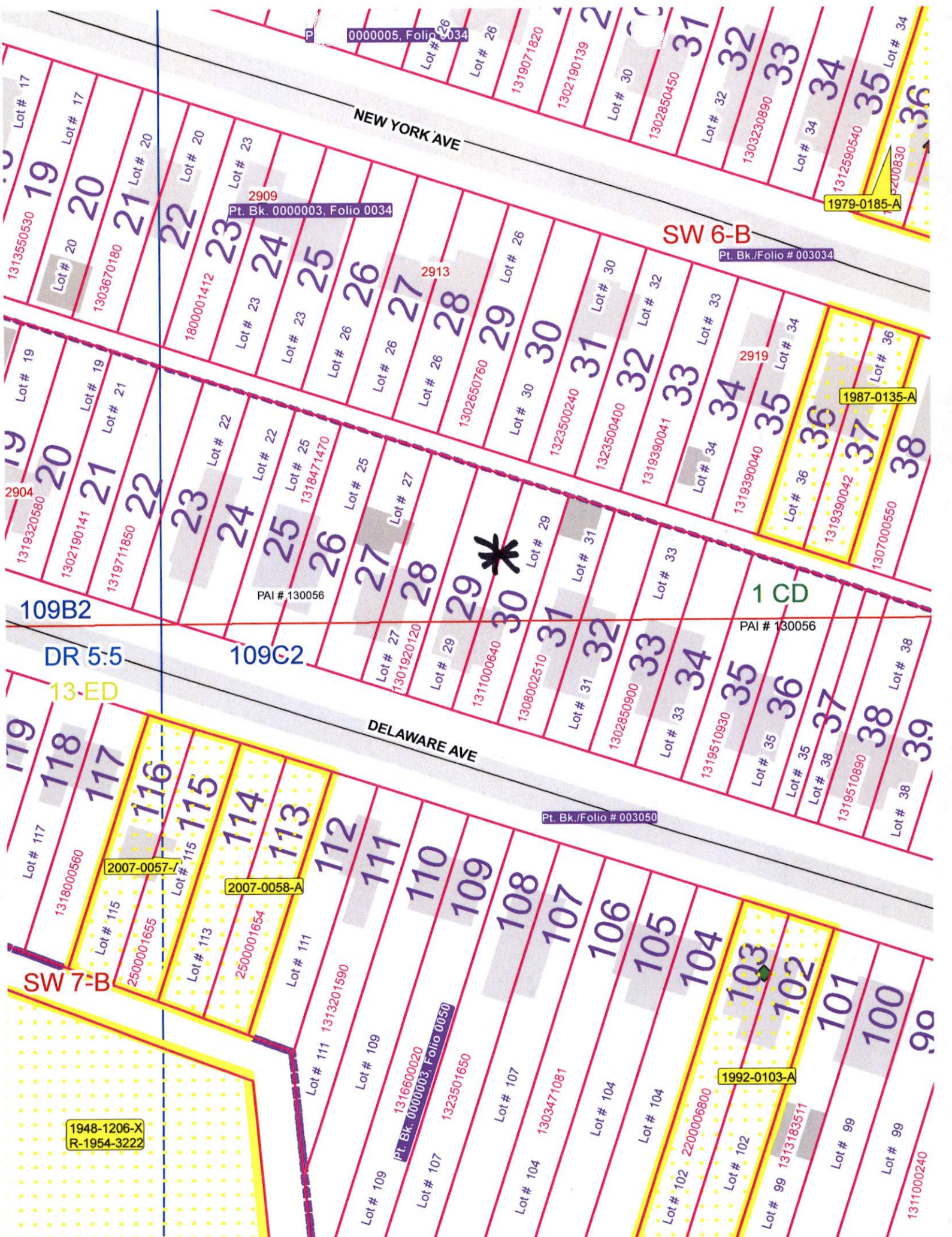












0000005, Folio 0034

2909
Pt. Bk. 0000003, Folio 0034

Pt. Bk./Folio # 003034

1979-0185-A

SW 6-B

1987-0135-A

PAI # 130056

PAI # 130056

Pt. Bk./Folio # 003050

2007-0057-A

2007-0058-A

1992-0103-A

1948-1206-X
R-1954-3222

SW 7-B

1316600020
Pt. Bk. 0000003, Folio 0050

DR 5:5
13-ED

109B2

109C2

1 CD

DELAWARE AVE

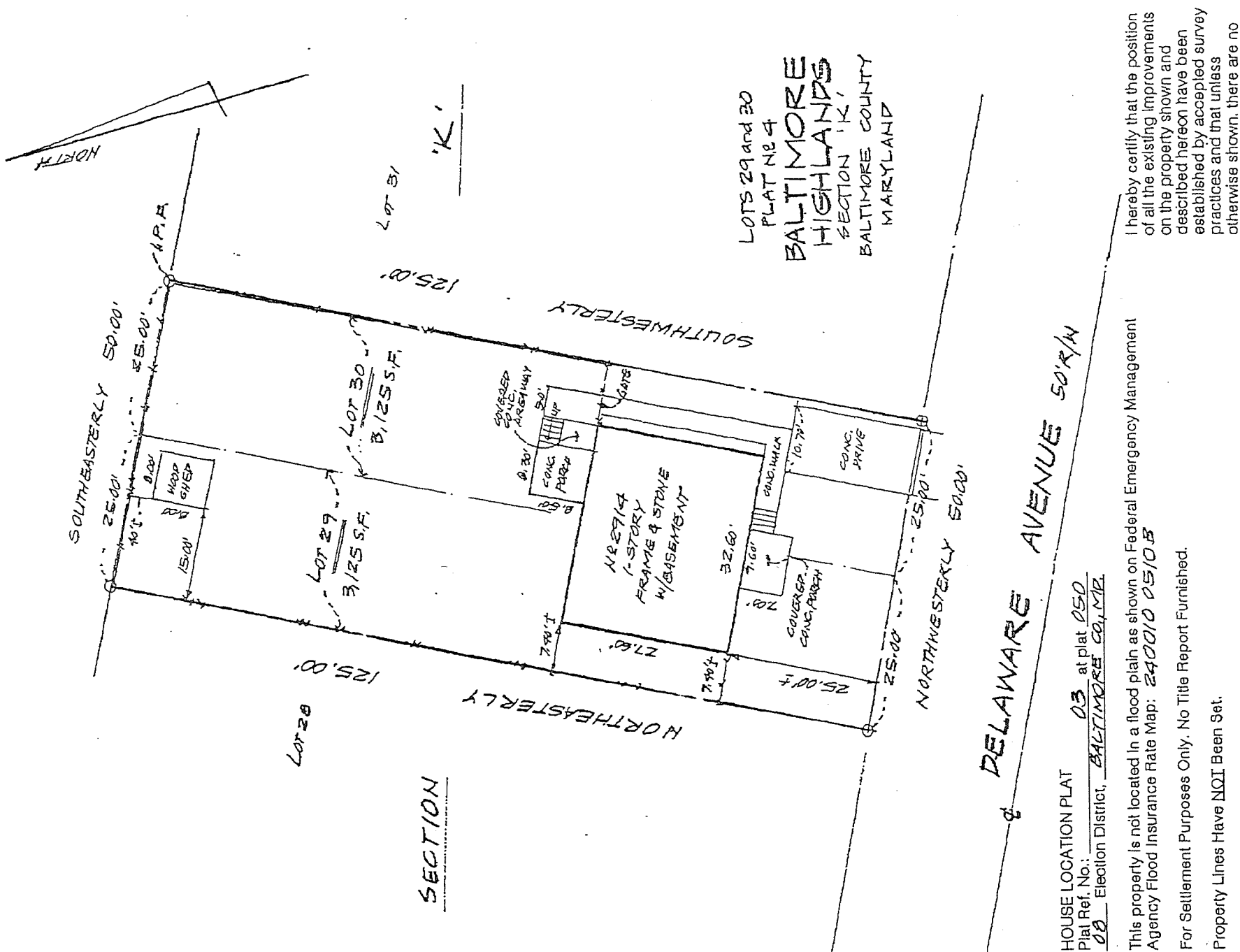
NEW YORK AVE

PLANNING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH ☒)

ADDRESS 2914 DELAWARE AVE., 21227 OWNER(S) NAME(S) DONALD + EVA NIEBELEIN

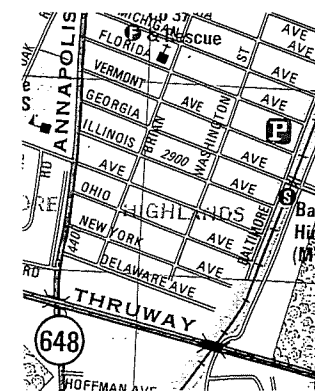
DIVISION NAME BALTIMORE HIGHLANDS LOT # 29+30 BLOCK # K SECTION # N/A

DEED BOOK # 3 FOLIO # 50 10 DIGIT TAX # 1311000640 DEED REF. # 16250/00592



IN DRAWN BY _____ DATE 4/28/16 SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 10982+

SITE ZONED DR 5.5

ELECTION DISTRICT 13

COUNCIL DISTRICT 1

LOT AREA ACREAGE _____

OR SQUARE FEET 6250

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH _____

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER _____

AND ORDER RESULT BELOW _____

VIOLATION CASE INFO:

EC 1602014

2016-0265-A

Petitioners No. 1

ESS 2914 DELAWARE AVE., 21227 OWNER(S) NAME(S) DONALD + EVA NIEBERLEIN

BOOK # 3 FOLIO # 50 10 DIGIT TAX # 1311000640 DEED REF. # 16250/00592

BOOK # 3 FOLIO # 50 10 DIGIT TAX # 1311000640 DEED REF. # 16250/00592

LOTS 29 and 30
PLAT No 4
BALTIMORE
HIGHLANDS
SECTION 1K,
BALTIMORE COUNTY
MARYLAND

I hereby certify that the position of all the existing improvements on the property shown and described hereon have been established by accepted survey practices and that unless otherwise shown, there are no

A black and white map of a section of Baltimore, Maryland. The map shows a grid of streets. On the left, a vertical street is labeled 'ANNAPOLIS'. Horizontal streets from top to bottom are labeled 'VERMONT AVE', 'GEORGIA AVE', 'ILLINOIS AVE', 'OHIO AVE', 'NEW YORK AVE', and 'DELAWARE AVE'. A diagonal street running from the top left towards the center is labeled 'WASHINGTON ST'. Another diagonal street running from the center towards the bottom right is labeled 'BALTIMORE'. A large 'P' symbol is located on the map, indicating a parking area. The 'Baltimore Highlands (MTA)' station is marked with a circle and the letter 'B'. At the bottom, a road is labeled 'THRUWAY' with a circular shield containing the number '648'. The bottom-most street is labeled 'HOFFMAN AVE'. The right edge of the map shows the 'Baltimore Harbor' and a 'BALTIMORE' street running vertically. The top of the map shows 'CHICAGO ST' and 'FLORIDA ST'.

和

MAP IS NOT TO SCALE

ZONING MAP# 109B2 + 10

SITE ZONED DR 5.5

ELECTION DISTRICT 13

COUNCIL DISTRICT 1

LOT AREA ACREAGE

OR SQUARE FEET 6250

HISTORIC? No

IN CICA? NO

IN FLOOD PLAIN? NO

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC ~~X~~ PRIVATE

SENDER IS:

PUBLIC ~~X~~ PRIVATE

PRICE HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT AND

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

VIOLATION CASE INFO:

As a result

CC 1602014

DRAWN BY _____ DATE 4/28/16 SCALE: 1 INCH = 20 FEET

2016-0265-A

VIOLATION CASE INFO:

EC 1602014