

IN RE: PETITION FOR VARIANCE

(8006 Hillendale Road)

9th Election District

6th Council District

Dixon Avenue, LLC

Legal Owner

Petitioner

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0154-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Dixon Avenue, LLC, owner of the subject property ("Petitioner"). The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) to approve the construction of a single-family dwelling on a lot with a lot width of 50 ft. at the front foundation line in lieu of the required 55 ft. A site plan was marked as Petitioner's Exhibit 1.

Dale Luht appeared in support of the petition. Timothy M. Kotroco, Esq., represented the Petitioner. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the reviewing County agencies.

The property is approximately 14,688 square feet and is zoned DR 5.5. The property was improved with a single-family dwelling which was in poor condition. Petitioner has recently razed that dilapidated structure and proposes to construct in its place a new single-family dwelling. To do so a variance is required.

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

- (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

ORDER RECEIVED FOR FILING

Date 2/1/17

By Sen

- 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).

Petitioner has met this test. The lot is narrow and deep and was created by plat recorded in 1928 (plat book 9, p.10). As such, the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct a single-family dwelling on the lot. 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. This is demonstrated by the lack of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED, this 1st day of February, **2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to approve the construction of a single-family dwelling on a lot with a lot width of 50 ft. at the front foundation line in lieu of the required 55 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

ORDER RECEIVED FOR FILING

Date 2/1/17
By SEN

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 2/1/17

By sen



KEVIN KAMENETZ
County Executive

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

February 1, 2017

Timothy M. Kotroco, Esq.
305 Washington Avenue, Suite 502
Towson, Maryland 21204

RE: Petition for Variance
Case No. 2017-0154-A
Property: 8006 Hillendale Road

Dear Mr. Kotroco:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



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 8006 Hillendale Road which is presently zoned DR 5.5
Deed References: 36572/00098 10 Digit Tax Account # 0919510951
Property Owner(s) Printed Name(s) Dixon Avenue, LLC

(SELECT THE HEARING(S) BY MARKING **X** 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

SEE ATTACHED

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

SEE ATTACHED

3. **X** a **Variance** from Section(s)

SEE ATTACHED

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 bound 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:

Timothy M. Kotroco

Name- Type or Print

Signature

305 Washington Avenue, Suite 502, Towson, Maryland

Mailing Address City State

21204 / 410-299-2943 / TKotroco@gmail.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Dixon Avenue, LLC c/o Dale Luht, Member

Name #1 - Type or Print

Name #2 - Type or Print

Dale Luht

Signature #1

Signature # 2

9619 Dixon Avenue, Baltimore, MD

Mailing Address City State

21234 / 443-255-2730 / DLuht2@yahoo.com
Zip Code Telephone # Email Address

Representative to be contacted:

Same As Attorney for Petitioner

Name - Type or Print

Signature

Mailing Address

Zip Code

Date

BY

Telephone #

Email Address

City

State

CASE NUMBER 2017-0154-A

Filing Date 12/6/2016

Do Not Schedule Dates: _____

Reviewer Za

ATTACHMENT TO VARIANCE PETITION

To approve the construction of a single-family dwelling on a lot with a lot width of 50' at the front foundation line in lieu of the required 55' pursuant to section 1B02.3.C.1 of the BCZR;

And, for such other and further relief as the nature of this cause may require

2017-0154-A

MERRITT DEVELOPMENT CONSULTANTS, INC

~~~~~Engineering~~~~~Land Planning~~~~~Surveying~~~~~

---

9831 Magledt Road  
Baltimore, MD 21234  
Phone: 410-925-4061  
Fax: 410-661-1297  
merrittdc@verizon.net

## Zoning Description for 8006 Hillendale

Beginning at a point on the West side of Hillendale Road 40' wide, approximately 170' North from the centerline of Orlando Road 40' wide the following 4 courses:

1. N 82° 22' 50" W 281.82'
2. N 08° 48' 22" W 52.13'
3. S 82° 22' 50" E 296.56'
4. S 07° 37' 10" E 50.00' to the place of beginning

Beginning lots 663-664 in the subdivision of Hillendale Park as recorded in Baltimore County Plat Book #9, Folio #10, containing 14,460+/- SF or 0.33+/- AC. Located in the 9<sup>th</sup> Election District and the 6<sup>th</sup> Council District.

2017-0154-A

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

**Nº 145664**

Date: 12/6/16

| Fund | Dept | Unit | Sub Unit | Rev Source/Obj | Sub Rev/Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|----------------|-------------|----------|---------|--------|
| 001  | 506  | 0000 |          | 6150           |             |          |         | 75.00  |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |

Total: 75.00

Rec From: T. Kelly Kotrsco

For: 5006 + 1/16/16 40

2017-0154-A

**DISTRIBUTION**

WHITE - CASHIER    PINK - AGENCY    YELLOW - CUSTOMER  
**PLEASE PRESS HARD!!!!**

GOLD - ACCOUNTING

**PAID RECEIPT**

BUSINESS ACTUAL TIME IPM  
 12/08/2016 12/08/2016 08:58:46 2  
 REG 0502 MAIL JEE  
 >>RECEIPT # 992437 11/30/2016 OFLN  
 Dept 5 528 ZONING VERIFICATION  
 CR NO. 145664

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

**CASHIER'S  
 VALIDATION**



**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 twenty (20) 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.**

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**For Newspaper Advertising:**

Case Number: 2017-0154-A  
Property Address: 8006 Hillendale Rd  
Property Description: \_\_\_\_\_  
Legal Owners (Petitioners): Dixon Avenue, LLC  
Contract Purchaser/Lessee: \_\_\_\_\_

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy Kotroco  
Company/Firm (if applicable): \_\_\_\_\_  
Address: 305 Washington Ave.  
Suite 502  
Towson, Maryland 21204  
Telephone Number: 410-299-2943

Revised 7/9/2015



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 4698098

**Sold To:**

Timothy Kotroco - CU00421252  
305 Washington Avenue  
#502  
Towson, MD 21204

**Bill To:**

Timothy Kotroco - CU00421252  
305 Washington Avenue  
#502  
Towson, MD 21204

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

Jan 10, 2017

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:                                        |         |
| <b>Case: # 2017-0154-A</b>                                                                                                                                                                                                                               |         |
| 8006 Hillendale Road<br>W/s Hillendale Road, 170 ft. N/of the centerline of Orlando Road<br>9th Election District - 6th Councilmanic District<br>Legal Owner(s) Dixon Avenue, LLC                                                                        |         |
| <b>Variance:</b> to approve the construction of a single-family dwelling on a lot with a lot width of 50 ft. at the front foundation line in lieu of the required 55 ft.; and for such other and further relief as the nature of this cause may require. |         |
| <b>Hearing: Monday, January 30, 2017 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.</b>                                                                                                                        |         |
| 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 1/665 Jan. 10                                                                                                                                                                                                                                         | 4698098 |

# CERTIFICATE OF POSTING

Date: JANUARY 10, 2017

RE: Project Name: 8006 HILLENDALE ROAD  
Case Number /PAI Number: 2017-0154-A  
Petitioner/Developer: DALE LUHT  
Date of Hearing/Closing: JANUARY 30, 2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 8006 HILLENDALE RD

The sign(s) were posted on JANUARY 10, 2017  
(Month, Day, Year)

## ZONING NOTICE

**CASE NO. 2017- 0154-A**

**A PUBLIC HEARING WILL BE HELD BY THE  
ADMINISTRATIVE LAW JUDGE**

**PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST  
CHESAPEAKE AVENUE, TOWSON, MD. 21204**

**TIME: MONDAY, JANUARY 30, 2017 @ 11:00 AM**

**REQUEST: VARIANCE TO APPROVE THE  
CONSTRUCTION OF A SINGLE FAMILY DWELLING ON  
A LOT WITH A LOT WIDTH OF 50 FEET AT THE FRONT  
FOUNDATION LINE IN LIEU OF THE REQUIRED 55  
FEET; AND FOR SUCH OTHER AND FURTHER RELIEF AS  
THE NATURE OF THIS CAUSE MAY REQUIRE**

Postponements due to weather or other conditions are sometimes necessary.  
To confirm hearing or obtain additional information, contact Department of  
Permits, Approvals and Inspections, 111 West Chesapeake Avenue, Towson,  
Md. 21204 (410) 887-3391

**UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE DAY  
OF THE HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE**

David Billingsley  
(Signature of Sign Poster)

DAVID W. BILLINGSLEY  
(Printed Name of Sign Poster)

601 CHARWOOD COURT  
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040  
(City, State, Zip Code of Sign Poster)

(410) 679-8719  
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY  
Tuesday, January 10, 2017 Issue - Jeffersonian

Please forward billing to:

Timothy Kotroco  
305 Washington Avenue, Ste. 502  
Towson, MD 21204

410-299-2943

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## NOTICE OF ZONING HEARING

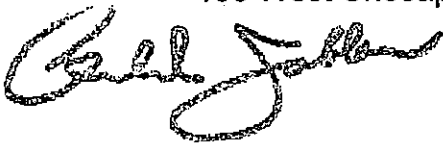
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 2017-0154-A**

8006 Hillendale Road  
W/s Hillendale Road, 170 ft. N/of the centerline of Orlando Road  
9<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owners: Dixon Avenue, LLC

Variance to approve the construction of a single-family dwelling on a lot with a lot width of 50 ft. at the front foundation line in lieu of the required 55 ft.; and for such other and further relief as the nature of this cause may require.

Hearing: Monday, January 30, 2017 at 11:00 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 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.





KEVIN KAMENETZ  
*County Executive*

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

December 28, 2016

## 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: 2017-0154-A**

8006 Hillendale Road

W/s Hillendale Road, 170 ft. N/of the centerline of Orlando Road

9<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Dixon Avenue, LLC

Variance to approve the construction of a single-family dwelling on a lot with a lot width of 50 ft. at the front foundation line in lieu of the required 55 ft.; and for such other and further relief as the nature of this cause may require.

Hearing: Monday, January 30, 2017 at 11:00 a.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon  
Director

AJ:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204  
Dale Luht, 9619 Dixon Avenue, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 10, 2017.**
- (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.



KEVIN KAMENETZ  
*County Executive*

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

January 25, 2017

Dixon Avenue LLC  
C/O Dale Luht  
9619 Dixon Avenue  
Baltimore MD 21234

RE: Case Number: 2017-0154 A, Address: 8006 Hillendale Road

Dear Mr. Luht:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 12, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel  
Timothy M Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson MD 21204

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



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

Date: 12/12/16

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. 2017-0154-A

Variance  
Dixon Avenue, LLC, Dale Lukit, Member  
8006 Hillendale Road.

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 that reads 'Richard Zeller'.

Wendy Wolcott, PLA  
Metropolitan District Engineer – District 4  
Baltimore & Harford Counties

WW/RAZ

815 1-30-17  
11 Am

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

**DATE:** 1/11/2017

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 17-154



**INFORMATION:**

**Property Address:** 8006 Hillendale Road  
**Petitioner:** Dixon Avenue, LLC c/o Dale Luht, Member  
**Zoning:** DR 5.5  
**Requested Action:** Variance

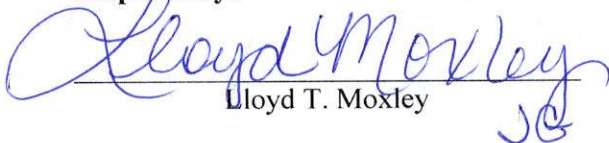
The Department of Planning has reviewed the petition for a variance to approve the construction of a single-family dwelling with a lot width of 50' at the front foundation line in lieu of the required 55 feet.

A site visit was conducted on December 22, 2016.

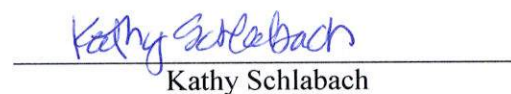
The Department of Planning has no objections to granting the petitioned zoning relief. The Department advises that the petitioners demonstrate to the satisfaction of the Administrative Law Judge that the requirements of BCZR § 304.1 are being met.

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

**Prepared by:**

  
Lloyd T. Moxley

**Division Chief:**

  
Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay  
Timothy M. Kotroco  
Office of the Administrative Hearings  
People's Counsel for Baltimore County



12/23/16  
to dcl

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits, Approvals  
And Inspections  
**DATE:** December 22, 2016

**FROM:** Dennis A. Kennedy, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For December 19, 2016  
Item No. 2017-0134, 0147, 0149, 0150 and 0154

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

DAK:CEN  
cc:file  
G:\DevPlanRev\ZAC -No Comments\ZAC12192016.doc

RECEIVED

JAN 23 2017

DEPARTMENT OF PERMITS  
APPROVALS AND INSPECTIONS

**BALTIMORE COUNTY, MARYLAND**  
**INTER-OFFICE MEMORANDUM**

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

**DATE:** 1/11/2017

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 17-154

**INFORMATION:**

**Property Address:** 8006 Hillendale Road  
**Petitioner:** Dixon Avenue, LLC c/o Dale Luht, Member  
**Zoning:** DR 5.5  
**Requested Action:** Variance

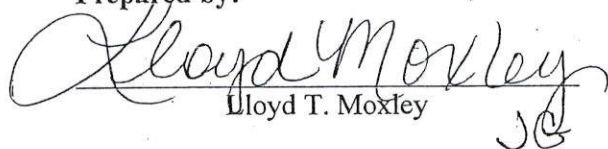
The Department of Planning has reviewed the petition for a variance to approve the construction of a single-family dwelling with a lot width of 50' at the front foundation line in lieu of the required 55 feet.

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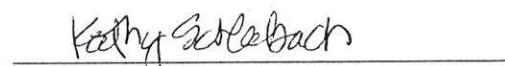
The Department of Planning has no objections to granting the petitioned zoning relief. The Department advises that the petitioners demonstrate to the satisfaction of the Administrative Law Judge that the requirements of BCZR § 304.1 are being met.

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

**Prepared by:**

  
Lloyd T. Moxley

**Division Chief:**

  
Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay  
Timothy M. Kotroco  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

**BALTIMORE COUNTY, MARYLAND**  
**INTER-OFFICE MEMORANDUM**

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

**DATE:** September 13, 2016

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 17-001

**INFORMATION:**

**Property Address:** 8004 Hillendale Road  
**Petitioner:** Dixon Avenue, LLC c/o Dale Luht, Member  
**Zoning:** DR 5.5  
**Requested Action:** Variance

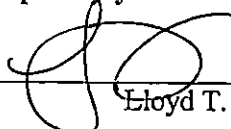
The Department of Planning has reviewed the petition for a variance to permit a single family dwelling to be built on a lot having a width of 50' at the front foundation line in lieu of the required 55 feet.

A site visit was conducted on August 10, 2016.

This Department has no objection to granting the requested zoning relief.

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

**Prepared by:**

  
\_\_\_\_\_  
Lloyd T. Moxley

**Division Chief:**

  
\_\_\_\_\_  
Kathy Schlach

AVA/KS/LTM/ka

c: Laurie Hay  
Timothy M. Kotroco  
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: December 21, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0154-A  
Address 8006 Hillendale Road  
(Dixon Avenue, LLC Property)

Zoning Advisory Committee Meeting of **December 19, 2016.**

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

Reviewer: Steve Ford Date: 12-21-2016



RE: PETITION FOR VARIANCE  
8006 Hillendale Road; W/S Hillendale Road,  
170' N of c/line Orlando Road  
9<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts  
Legal Owner(s): Dixon Avenue, LLC  
Petitioner(s)

\* BEFORE THE OFFICE  
\* OF ADMINSTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* 2017-154-A

\* \* \* \* \*

### ENTRY OF APPEARANCE

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

RECEIVED

DEC 20 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 20th day of December, 2016, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, Esquire, 205 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

## **M E M O R A N D U M**

DATE: March 6, 2017  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2017-0154-A – Appeal Period Expired

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The appeal period for the above-referenced case expired on March 3, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File  
Office of Administrative Hearings

CASE NAME

CASE NUMBER

DATE \_\_\_\_\_

CASE NAME \_\_\_\_\_  
CASE NUMBER 2017-0154  
DATE 1-30-2017

## NAME \_\_\_\_\_

ADDRESS

CITY, STATE, ZIP

E-MAIL

**Timothy M. Kotroco**

**305 Washington Avenue, Suite 502**

**Towson, MD 21204**

**Tkotroco@gmail.com**

Dale A Licht

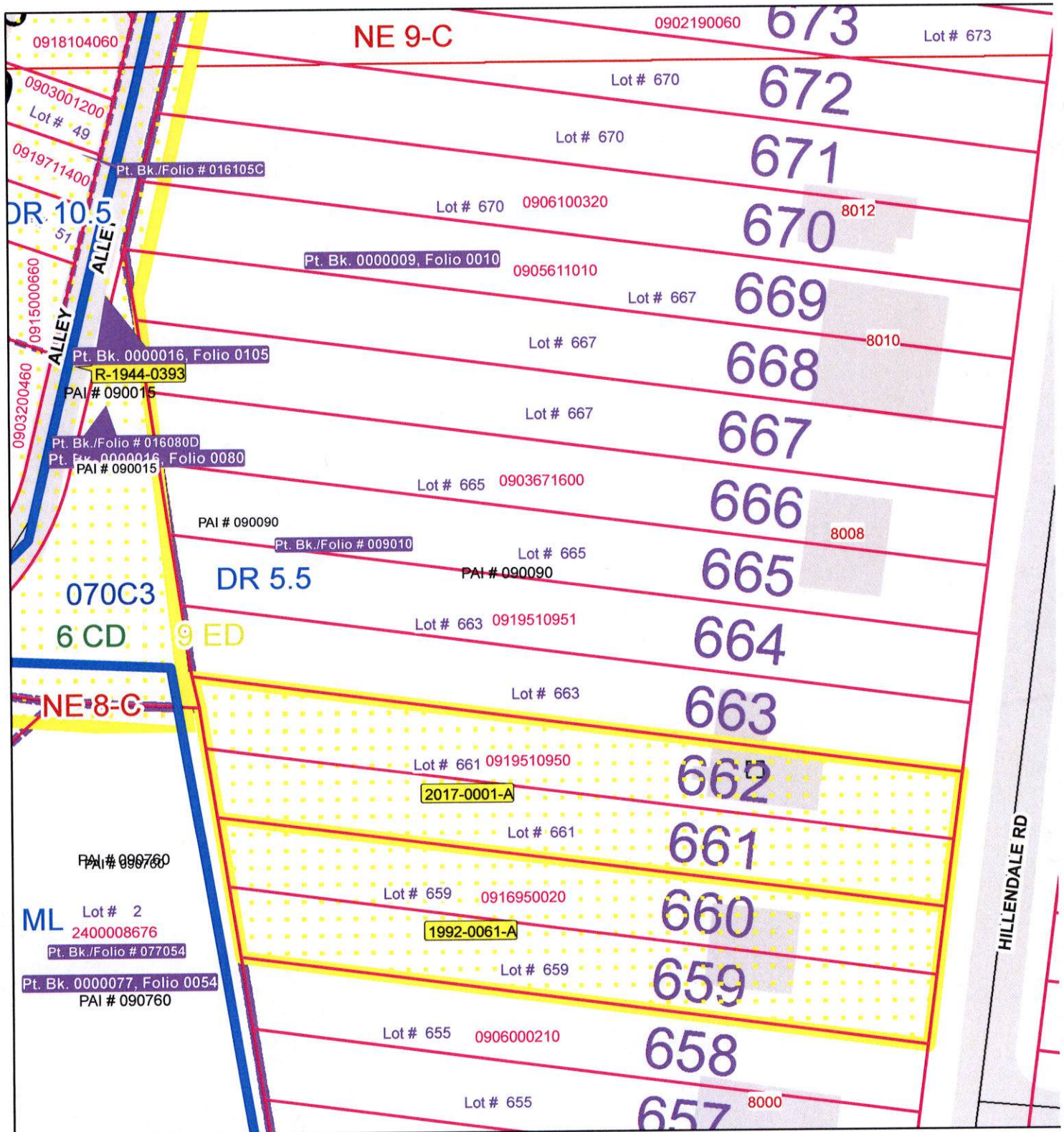
9619 Dixon Ave

Ba/10. MD 21234

DLch+2@Yahoo.com



# 8006 Hillendale Road Lots 663 & 664 2017-0154-A



Publication Date: 12/6/2016



Publication Agency: Permits, Approvals & Inspections  
Projection/Datum: Maryland State Plane,  
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.525 50 75 100 Feet

1 inch = 50 feet

**IN RE: PETITION FOR VARIANCE**  
**(8004 Hillendale Road)**  
9<sup>th</sup> Election District  
6<sup>th</sup> Council District  
Dixon Avenue LLC  
Petitioner

\*  
\*  
\*  
\*  
\*

BEFORE THE OFFICE  
OF ADMINISTRATIVE  
HEARINGS FOR  
BALTIMORE COUNTY  
**CASE NO. 2017-0001-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Dixon Avenue, LLC., owner of the subject property ("Petitioner"). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) to approve the construction of a single family dwelling on a lot with a lot width of 50 ft. at the front foundation line in lieu of the required 55 ft. A site plan was marked as Petitioner's Exhibit 1.

Charles Merritt appeared in support of the petition. Timothy M. Kotroco, Esq. represented the Petitioner. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the county agencies.

The subject property is approximately 14,000 square feet and is zoned DR 5.5. The property (known as Lot Nos. 661 and 662 on the Hillendale Park plat) is improved with a single-family dwelling constructed in 1938, which is uninhabitable. Petitioner proposes to raze the structure and construct in its place a new home. Proposed elevation drawings were submitted (Petitioner's Ex. 5), and counsel indicated they were also reviewed and approved by the Department of Planning (DOP).



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

- (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).

Petitioner has met this test. The lots were created by the plat of Hillendale Park, recorded in 1928. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to construct a dwelling on the property. 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. This is demonstrated by the lack of Baltimore County and community opposition.

THEREFORE, IT IS ORDERED, this 23<sup>rd</sup> day of September, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the construction of a single family dwelling on a lot with a lot width of 50 ft. at the front foundation line in lieu of the required 55 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

Real Property Data Search Guide to searching the database

Search Result for BALTIMORE COUNTY

| View Map                                     |          | View GroundRent Redemption                 |               |                        |                  | View GroundRent Registration |                       |                            |                  |            |  |
|----------------------------------------------|----------|--------------------------------------------|---------------|------------------------|------------------|------------------------------|-----------------------|----------------------------|------------------|------------|--|
| Account Identifier:                          |          | District - 09 Account Number - 0919510951  |               |                        |                  |                              |                       |                            |                  |            |  |
| Owner Information                            |          |                                            |               |                        |                  |                              |                       |                            |                  |            |  |
| Owner Name:                                  |          | FEDERAL HOME LOAN MORTGAGE CORPORATION     |               |                        |                  | Use: Principal Residence:    |                       | RESIDENTIAL NO             |                  |            |  |
| Mailing Address:                             |          | 8950 CYPRESS WATERS BLVD COPPELL TX 75019- |               |                        |                  | Deed Reference:              |                       | /36572/ 00098              |                  |            |  |
| Location & Structure Information             |          |                                            |               |                        |                  |                              |                       |                            |                  |            |  |
| Premises Address:                            |          | HILLENDALE RD 0-0000                       |               |                        |                  | Legal Description:           |                       | LT 663,664 HILLENDALE PARK |                  |            |  |
| Map:                                         | Grid:    | Parcel:                                    | Sub District: | Subdivision:           | Section:         | Block:                       | Lot:                  | Assessment Year:           | Plat No:         | 1          |  |
| 0070                                         | 0024     | 0706                                       |               | 0000                   |                  |                              | 663                   | 2017                       | Plat Ref:        | 0009/ 0010 |  |
| Special Tax Areas:                           |          |                                            |               |                        | Town:            |                              | NONE                  |                            |                  |            |  |
|                                              |          |                                            |               |                        | Ad Valorem:      |                              |                       |                            |                  |            |  |
|                                              |          |                                            |               |                        | Tax Class:       |                              |                       |                            |                  |            |  |
| Primary Structure Built                      |          | Above Grade Enclosed Area                  |               | Finished Basement Area |                  | Property Land Area           |                       | County Use                 |                  |            |  |
|                                              |          |                                            |               |                        |                  | 14,688 SF                    |                       | 04                         |                  |            |  |
| Stories                                      | Basement | Type                                       | Exterior      | Full/Half Bath         |                  | Garage                       | Last Major Renovation |                            |                  |            |  |
| Value Information                            |          |                                            |               |                        |                  |                              |                       |                            |                  |            |  |
|                                              |          |                                            | Base Value    |                        | Value            |                              | Phase-in Assessments  |                            |                  |            |  |
|                                              |          |                                            |               |                        | As of 01/01/2017 |                              | As of 07/01/2016      |                            | As of 07/01/2017 |            |  |
| Land:                                        |          |                                            | 20,100        |                        | 20,100           |                              |                       |                            |                  |            |  |
| Improvements                                 |          |                                            | 0             |                        | 0                |                              |                       |                            |                  |            |  |
| Total:                                       |          |                                            | 20,100        |                        | 20,100           |                              | 20,100                |                            | 20,100           |            |  |
| Preferential Land:                           |          |                                            | 0             |                        |                  |                              |                       |                            | 0                |            |  |
| Transfer Information                         |          |                                            |               |                        |                  |                              |                       |                            |                  |            |  |
| Seller: NUNEZ RAMON E                        |          |                                            |               | Date: 08/24/2015       |                  |                              |                       | Price: \$157,000           |                  |            |  |
| Type: NON-ARMS LENGTH OTHER                  |          |                                            |               | Deed1: /36572/ 00098   |                  |                              |                       | Deed2:                     |                  |            |  |
| Seller: CORKUM PATRICK                       |          |                                            |               | Date: 08/29/2007       |                  |                              |                       | Price: \$180,000           |                  |            |  |
| Type: ARMS LENGTH MULTIPLE                   |          |                                            |               | Deed1: /26109/ 00315   |                  |                              |                       | Deed2:                     |                  |            |  |
| Seller: DEIBLER CALVIN W                     |          |                                            |               | Date: 04/10/2003       |                  |                              |                       | Price: \$130,000           |                  |            |  |
| Type: ARMS LENGTH MULTIPLE                   |          |                                            |               | Deed1: /17829/ 00127   |                  |                              |                       | Deed2:                     |                  |            |  |
| Exemption Information                        |          |                                            |               |                        |                  |                              |                       |                            |                  |            |  |
| Partial Exempt Assessments:                  |          | Class                                      |               |                        |                  | 07/01/2016                   |                       | 07/01/2017                 |                  |            |  |
| 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: No Application |          |                                            |               |                        |                  |                              |                       |                            |                  |            |  |

Case No.:

2017-0154-A

Exhibit Sheet

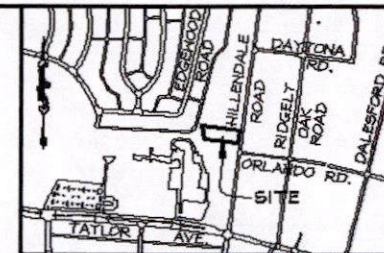
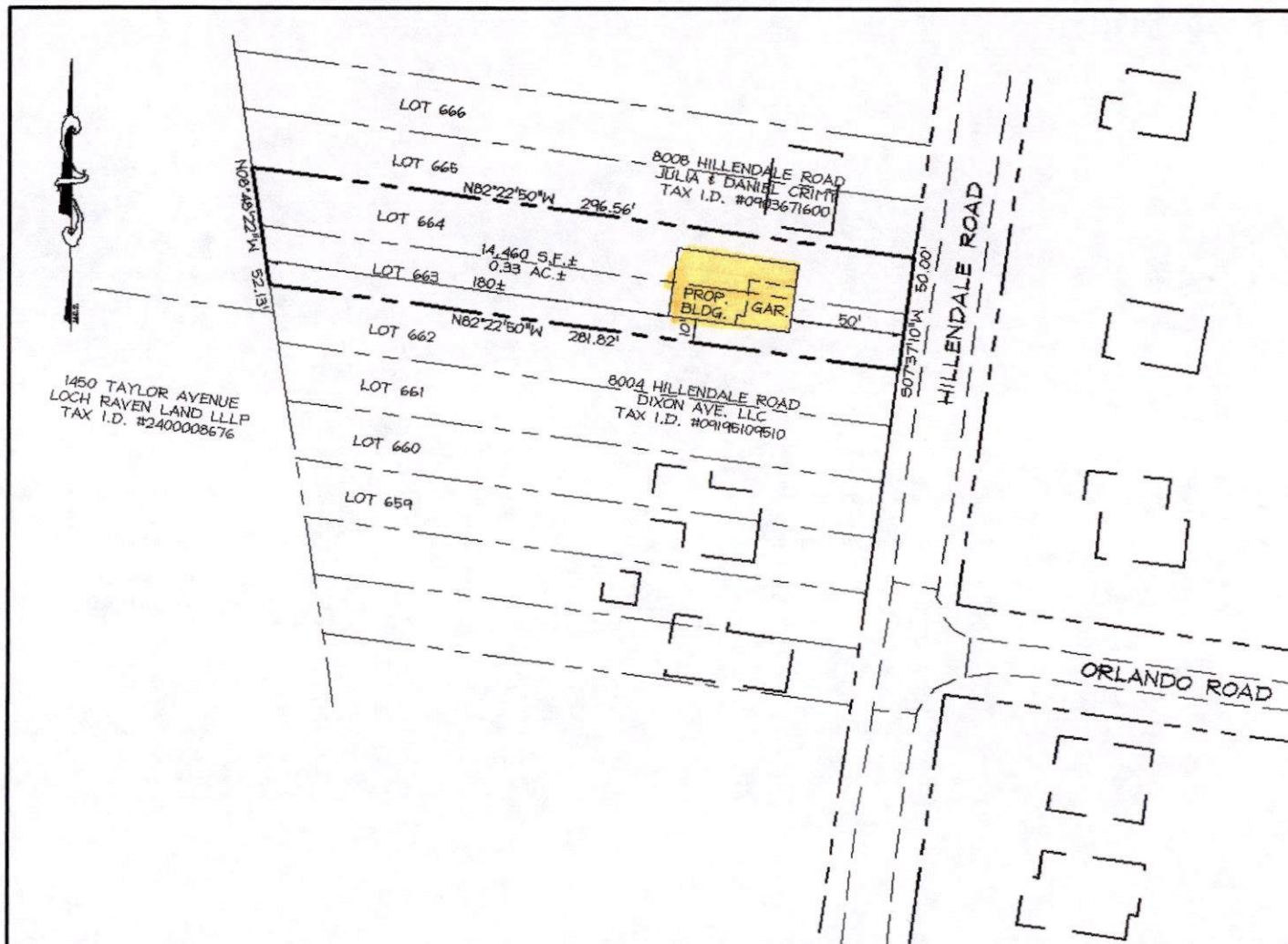
3-6-17  
Dw

2-1-17  
Den

Petitioner/Developer

Protestant

|        |                          |  |
|--------|--------------------------|--|
| No. 1  | Plan                     |  |
| No. 2  | Plat-Hillendale Park     |  |
| No. 3  | Architectural Elevations |  |
| No. 4  | Photos                   |  |
| No. 5  |                          |  |
| No. 6  |                          |  |
| No. 7  |                          |  |
| No. 8  |                          |  |
| No. 9  |                          |  |
| No. 10 |                          |  |
| No. 11 |                          |  |
| No. 12 |                          |  |



VICINITY MAP

SCALE: 1"=1000'

NOTES:

1. THIS PROPERTY HAS NO PRIOR ZONING CASES.
2. THIS PROPERTY HAS NO CURRENT ZONING VIOLATIONS.
3. THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOODPLAIN.
4. PROPERTY IS ZONED **DR 5.5**
5. PROPERTY IS NOT IN THE CBCA.
6. PROPERTY IS NOT HISTORIC.
7. PROPERTY LOCATED ON MAP 070C3.

MERRITT DEVELOPMENT  
CONSULTANTS, INC.

9831 MAGLEDT ROAD  
BALTIMORE, MARYLAND 21234  
PHONE: 410-925-4061 FAX: 410-661-1297

OWNER  
DIXON AVE., LLC  
9619 DIXON AVE.  
BALTIMORE, MARYLAND 21234  
DEED REF.  
TAX ID. 0919510951

PLAN TO ACCOMPANY ZONING REQUEST

CASE NO.

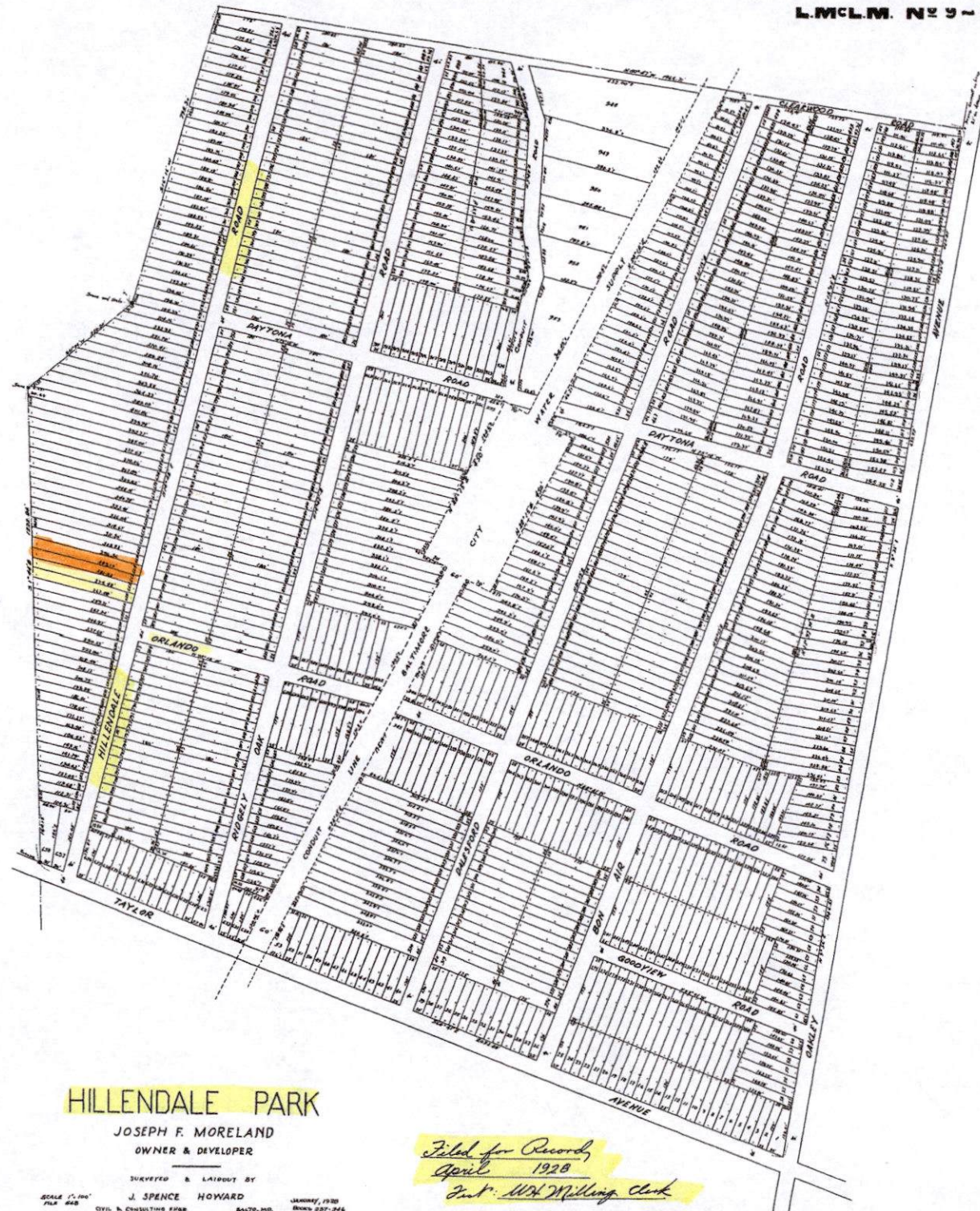
**8006 HILLENDALE ROAD**

9TH ELEC. DISTRICT 6TH COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MARYLAND  
SCALE: 1"=50' JUNE 8, 2016

2017-0154-A

Ex-1





# HILLENDALE PARK

JOSEPH F. MORELAND  
OWNER & DEVELOPER

SURVEYED & LAYOUT BY

J. SPENCE HOWARD

CIVIL & CHRISTIANITY FIRM

JANUARY, 1928

*Filed for Record  
April 1928*

*Test: W.H. Milling, Clerk*

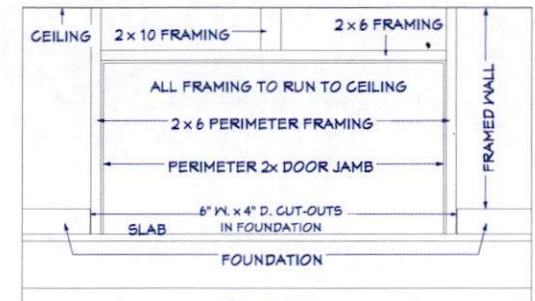
SCALE 1"=100'  
PLAT 848

EX. 2

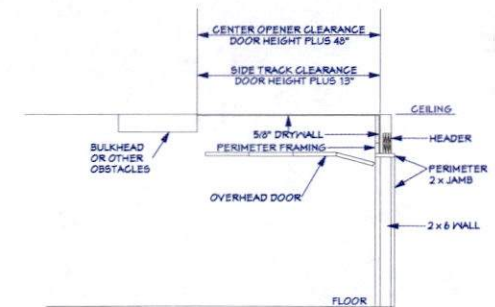




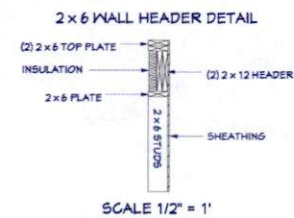
CROSS SECTION "B"



GARAGE DOOR FRAMING DETAIL



OVERHEAD DOOR DETAIL



SCALE 1/2" = 1'



**GROUND TEK ENGINEERING, LLC**  
P.O. BOX 782, BEL AIR, MD 21014  
Phone: 410-879-8188

8004 HILLENDALE ROAD  
BALTIMORE COUNTY

# CROSS SECTION "B" & DETAILS

## PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 27189, EXPIRATION DATE 3/26/18.

SIGNED

DATE

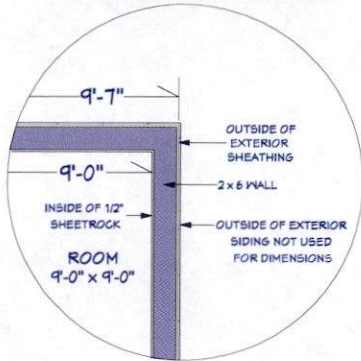
## ARCH C (18" x 24")

| SCALE     | DATE     | SHEET   |
|-----------|----------|---------|
| 1/4" = 1' | 7/1/2016 | S - 2.2 |

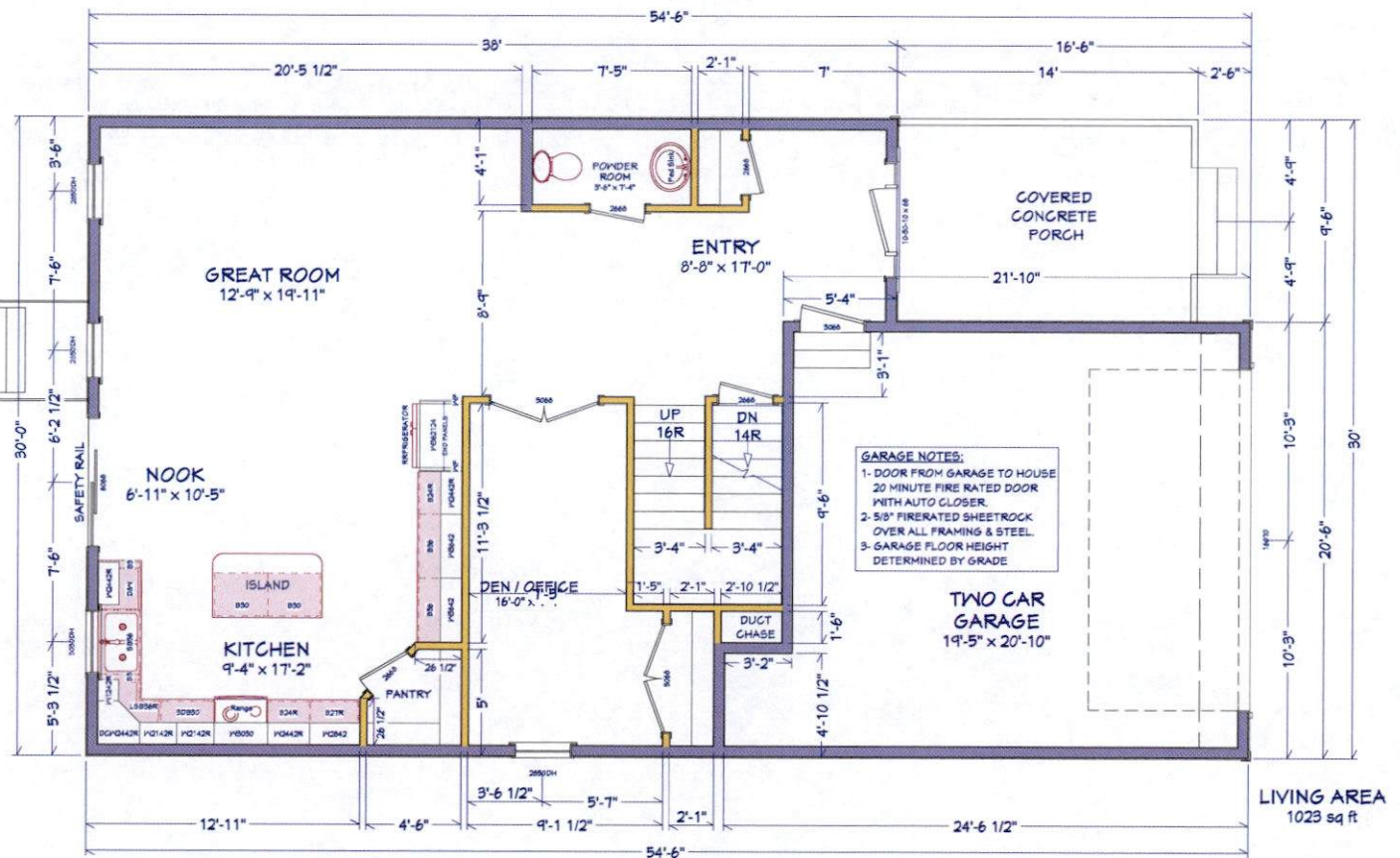
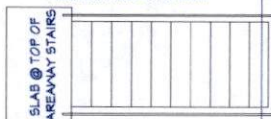
EX-3

DIMENSIONS WITH ROOM NAMES ARE  
MEASURED TO INSIDE OF THE SHEETROCK

DIMENSIONS WITH LINES MEASURE  
TO THE OUTSIDE OF WALL SHEATHING



AREAWAY SIZE TO BE  
DETERMINED BY GRADE



**GARAGE NOTES:**  
1. DOOR FROM GARAGE TO HOUSE  
20 MINUTE FIRE RATED DOOR  
WITH AUTO CLOSER.  
2. 5/8" FIRERATED SHEETROCK  
OVER ALL FRAMING & STEEL  
3. GARAGE FLOOR HEIGHT  
DETERMINED BY GRADE

## FIRST FLOOR PLAN

**GROUND TEK ENGINEERING, LLC**

P.O. BOX 782, BEL AIR, MD 21014  
Phone: 410-879-8188

8004 HILLENDALE ROAD  
BALTIMORE COUNTY

## FIRST FLOOR PLAN

### PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR  
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL  
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE  
NO. 27189, EXPIRATION DATE 3/26/18.

SIGNED

DATE

ARCH C (18" x 24")

| SCALE     | DATE     | SHEET |
|-----------|----------|-------|
| 1/4" = 1' | 7/1/2016 | A - 2 |





FRONT ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION

**GROUND TEK ENGINEERING, LLC**  
P.O. BOX 782, BEL AIR, MD 21014  
Phone: 410-879-8188

8004 HILLENDALE ROAD  
BALTIMORE COUNTY

# ELEVATIONS

## PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 27189, EXPIRATION DATE 3/26/18.

SIGNED

DATE

ARCH C (18" x 24")

| SCALE      | DATE     | SHEET |
|------------|----------|-------|
| 3/16" = 1' | 7/1/2016 | A - 4 |





EX.4