IN RE: PETITION FOR ADMIN. VARIANCE

11th Election District
5th Councilmanic District
(9700 Winkler Street)

* FOR

Jovita Biemer
Petitioner

* BALTIMORE COUNTY

* * * * * * * *

Case No. 2017-0197-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Jovita Biemer ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow for a side setback to a street of 29 ft. in lieu of the required 40 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 10, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law

ORDER RE	CEIVED FOR FILING
Date	3-17-17
Date	
Ву	PU)

Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the 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 <u>17th</u> day of **March**, **2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow for a side setback to a street of 29 ft. in lieu of the required 40 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioner may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioner is 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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
	3-17-17
Date	
By	



KEVIN KAMENETZ County Executive

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

March 17, 2017

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

RE: Petition for Administrative Variance

Case No. 2017-0197-A - Jovita Biemer

Property: 9700 Winkler Street

Dear Mr. Kotroco:

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

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

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

ADMINISTRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

	KLER ST			Curren	tly zone	d DR-Z
Deed Reference 03558			10 Digit Ta	x Account #	770	7038010
Owner(s) Printed Name(s)	ATIVOL	BIEMER	•	-		
(SELECT THE HEARING(S) BY MARKING X AT	THE APPROPRIATE	SELECTION(S) AND ADDING	THE PE	TITION REQUEST)
For Administrative Varia	ances, the <u>Affida</u>	vit on the reverse	of this Petit	tion form mus	t be con	npleted and notarized
The undersigned, who own and attached hereto and made a par	occupy the propert hereof, hereby	erty situate in Balt petition for an:	imore Count	y and which i	s descri	bed in the plan/plat
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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: 9700 WINKIES	MARSH	1-40	2162
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the following Administrative Variance at the above address	_	,	<u>-</u>
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(If additional space for the petition request or t	the above stateme	nt is needed, label an	d attach it to this Form)
Govita Biemer			
Signature of Owner (Afflant)	Si	gnature of Owner (Affia	ant)
JOY ITA BIEMER			•
Name- Print or Type	Na	me- Print or Type	
••			
The following information is to be co	impleted by a Not	ary Public of the State	e of maryland
STATE OF MARYLAND, COUNTY OF BAL			
A HEREBY CERTIFY, this 24h day of and for the County aforesaid, personally appears	January, o	before me	a Notary of Maryland, in
Print riame(s) hore: Jorita Bien			4
the Affiant(s) herein, personally known or satisfa	ctorily identified to	me as such Affiant(s).
AS WITH THE MY HAND and Notaries Seal	Derry Z	ee)	
Notar	y Public	<u>م</u> ٥	
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Affidavit in Support of Administrative Variances:

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MERRITT DEVELOPMENT CONSULTANTS, INC

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

Zoning Description for 9700 Winkler Street

Being lot 12 in the subdivision of Forge Acres as recorded in Baltimore County Plat Book 14 folio 88. Containing 24,034 SF+/- or 0.551 AC +/- located in the 11th election district 5th councilmanic district.

North west corner of Bush st. & Winkler st.

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CERTIFICATE OF POSTING

Date: FEBRUARY 10, 2017

RE:	Project Name:	9700 WINKLER STREET
	Case Number /PAI Number:	2017-0197-A
	Petitioner/Developer:	JOVITA BIEMER
	Date of Hearing/Closing:	FEBRUARY 27, 2017
were		nalties of perjury that the necessary sign(s) required by law operty located at9700 WINKLER STREET
	The sign(s) were posted on	FEBRUARY 10, 2017
MARK NO	CONTRACT TO A COMPANY OF	(Month, Day, Year)
		Daved W Billings
ZO	NING NOTICE	(Signature of Sign Poster)
ADN	MINISTRATIVE VARIANCE	DAVID W. BILLINGSLEY
c	ASE NO. 2017-0197-A	(Printed Name of Sign Poster)
9	700 WINKLER STREET	COA CLIADWOOD COURT
REQUEST: T STREET SETE REQUIRED 4	O PERMIT A DWELLING WITH A SIDE BACK OF 29 FEET IN LIEU OF THE O FEET	601 CHARWOOD COURT (Street Address of Sign Poster)
	Maria Maria Cara Cara Cara Cara Cara Cara Cara	EDGEWOOD, MD. 21040
concerning the	tion 26-127(b)(1), Baltimore County Code, an all or group may request a public hearing proposed variance, provided the request is Zoning Réview Office before 5 P.M. on:	(City, State, Zip Code of Sign Poster)

(410) 679-8719

FEBRUARY 27, 2017

Additional information is available at the Department of Permits, Approvals and Inspections, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson, Md. 21204 (410) 887-3391

UNDER PENALTY OF LAW,
DO NOT REMOVE THIS SIGN UNTIL AFTER THE ABOVE DATE

(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0/97 -A Address 9700 WINKLER ST Contact Person: Tunk R-FERNANDO Phone Number: 410-887-3391 Planner, Please Print Your Name
Contact Person: Tun R-FERNANDO Phone Number: 410-887-3391
riamici, ricase i mit rour rame
Filing Date: 1-30-17 Posting Date: 2-12-17 Closing Date: 2-27-17
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. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2017-0197 -A Address 9700 WINKLER ST.
Petitioner's Name Jovita Biemer Telephone 410-925-406
Posting Date: 2-12-17 Closing Date: 2-27-17
Wording for Sign: To Permit a dwelling with a side street setbee of 29' in lieu of the required to!
<u> </u>

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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.

For Newspaper Advertising:
For Newspaper Advertising.
Case Number: 2017-0197-A
Property Address: 9700 WINKLER ST
Property Description: 9700 WINKUSK ST
Legal Owners (Petitioners): JOVITA BIEMER
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: JOVITA BIEMER
Company/Firm (if applicable):
Address: 9700 WINKER ST
WHITE MARSH MD 21206
Telephone Number: 410 256-3435



KEVIN KAMENETZ County Executive

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

February 28, 2017

Jovita Biemer 9700 Winkler Street White Marsh MD 21162

RE: Case Number: 2017-0197 A, Address: 9700 Winkler Street

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 30, 2017. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel



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

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

Date: 2/6/17

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. 2017-6197-A

Administrative Varionco Forite Bremer 9700 Winkler Street

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

Metropolitan District Engineer - District 4

Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 13, 2017

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 13, 2017

Item No. 2017-0113,0195,0196.0197,0198,0199,0200,0202 and 0204

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\ZAC02132017.doc

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:

February 8, 2017

SUBJECT:

DEPS Comment for Zoning Item

2017-0197-A

Address

9700 Winkler Street

(Biemer Property)

Zoning Advisory Committee Meeting of February 13, 2017

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

Reviewer:

Steve Ford

Date: 2-8-2017

MEMORANDUM

DATE:

April 18, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0197-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 17, 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

Debra Wiley

From:

Debra Wiley

Sent:

Thursday, March 09, 2017 1:38 PM

To:

Timothy M. Kotroco Esq. (tkotroco@gmail.com)

Subject:

Affidavit for Case No. 2017-0197-A - 9700 Winkler St.

Attachments:

20170309134808655.pdf

Mr. Kotroco,

Please have the attached Affidavit signed, notarized and return to our office. We will then process the Administrative Variance accordingly.

Thanks.

----Original Message----

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]

Sent: Thursday, March 09, 2017 1:48 PM

To: Debra Wiley <dwiley@baltimorecountymd.gov>

Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 03.09.2017 13:48:08 (-0500)

Queries to: adminhearingscpr@baltimorecountymd.gov

IN RE: PETITION FOR ADMIN, VARIANCE BEFORE THE OFFICE OF 11th Election District 5th Councilmanic District ADMINISTRATIVE HEARINGS (9700 Winkler Street) FOR Jovita Biemer Petitioner **BALTIMORE COUNTY** Case No. 2017-0197-A

RECEIVED

MAR 1 3 2017

AFFIDAVIT

Listorita Biemer, am over the age of 18 and have personal knowledge of and am competent ADMINISTRATIVE HEARINGS

to testify to the following:

- 1. The residence at 9700 Winkler Street is owned by Jovita Biemer. No other person or entity has an interest in the operation and/or affairs of 9700 Winkler Street.
- 2. I reside year round and actually occupy the property known as 9700 Winkler Street, and consider this to be my principal residence.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

3-12-2017 Date

9700 Winkler Street, 21162

My Commission Expires

John,
Here is my file. You mentioned that
with an affidourt of ownership you would
with an affidourt of ownership you would
process this Admin Variance. Let me
Know if you want me to prepare the officient
or if your office with. Thanks.

This will Save you a hearing in the future.

Tim K.

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: March 2, 2017

TO: Kristen Lewis, Office of Zoning Review

Department of Permits, Approvals & Inspections (PAI)

FROM: John Beverungen, Administrative Law Judge

Office of Administrative Hearings

RE: Petition for Administrative Variance – 2/27/17 Closing Date

Case No. 2017-0197-A – 9700 Winkler St., 21162 (Formal Demand)

After receipt and a review of the above-captioned case file, I am requesting that this case be set in for a public hearing. Baltimore County Code (B.C.C.) § 32-3-303(a)(1), states in pertinent part:

"... the Zoning Commissioner may grant variances from area and height regulations without a public hearing if the variance petition involves an <u>owner-occupied lot</u> zoned residential" (Emphasis Added)

According to SDAT, this is not the Petitioner's principal residence. In addition, the request is to raze the existing dwelling and replace with a new dwelling. Therefore, our office is returning the file to you for further processing such as notifying the Petitioners, posting and advertising of the hearing notices.

Thank you for your attention and cooperation in this matter.

JEB:dlw

c: Office of People's Counsel W. Carl Richards, Jr., Supervisor, Zoning Review Office, PAI

View M	ар	,	View Groun	dRent Re	demptio	n		View GroundRent Registration						
	Identifie			mber - 1102038010										
						r Informa	-		0010					
Owner N	ame:		BI	EMER JO	VITA		Use:				RESI	DENTIAL		
							Princip				NO)		
Mailing A	\ddress:		W	00 WINKL HITE MAR 12		21162-	Deed R	efer	ence:		/0355	81/00283		
				Loca	tion & S	tructure	Information	on						
Premises	s Addres	s:		00 WINKL HITE MAR		62-	Legal D	esci	riptio	n:	FOR	GE ACS		
Map:	Grid:	Parcel:	Sub	Subdiv	rision:	Section	: Block	:	Lot:	Asses	sment	Plat		
, V.E.)	12221		District:							Year:		No:		
0073	0001	0341		0000					12	2015		Plat Ref:	0014/ 0088	
Special	Tax Are	as:				Town: Ad Vale Tax Cla					NO			
	Structu	re	Above Gra	de Enclos	sed		d Baseme	ent		Propert	y Land		unty	
Built Area 1952 1,544 SF				Area								Use 04		
Stories	Base YES	ment	Type STANDAR	D UNIT	Exterio	Pg (8.000)	/Half Bath II/ 1 half	1	Gara 1Att/		Last Ma	jor Reno	vation	
					Value	Informa	tion							
			Bas	se Value		Value		F	hase	-in Ass	essment	s		
						As of 01/01/20	45		As of	2046		s of		
Land:			89.	700		89,700	115	·	111011	2016	U	7/01/201	′	
Improv	ements			,100		162,100								
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Tax Exe					Specia NONE	I Tax Re	capture:							
Exemp	Class.					plication								



9700 Winkler



9700 Winkler



Bush St.

9700 Winkley

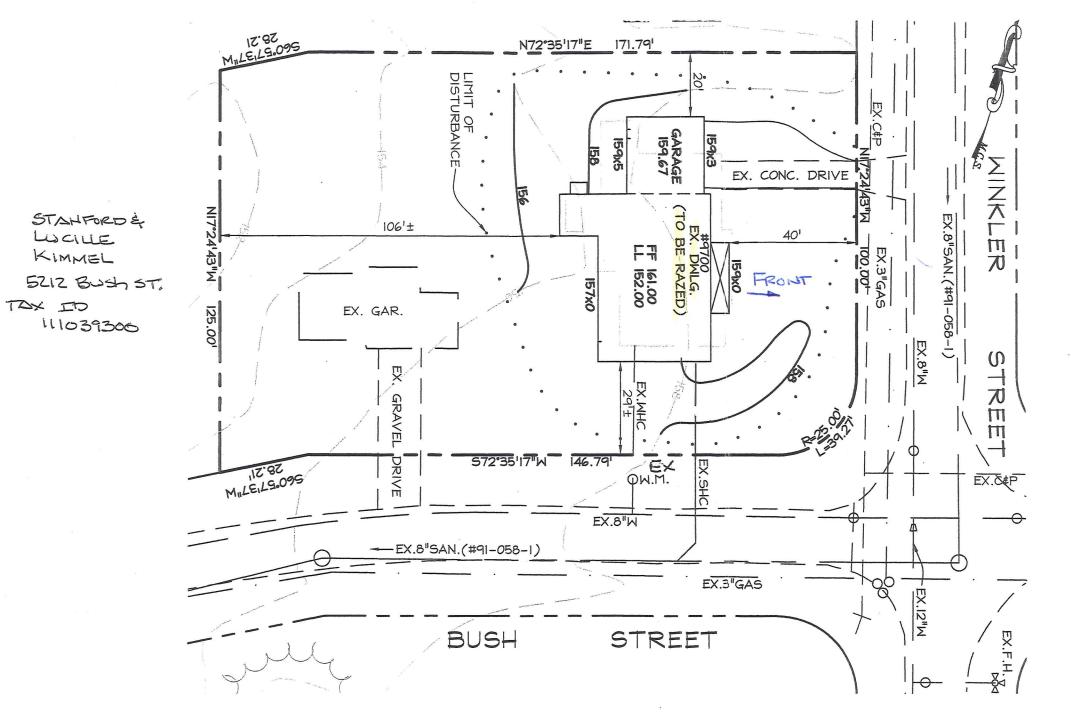
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9700 Winkler



Bush St. Lander and the second s

FOY & IVY MILLER 9702 WINKLER ST TAX ID 1102003780



FORGE ROAD

TO BANGERT

ROAD

BUSH

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TO RE

VICINITY MAP

NOTES:

I, 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 2. 5. PROPERTY IS NOT IN THE

CBCA.

6, PROPERTY IS NOT HISTORIC. 7, PROPERTY LOCATED ON MAP 073AI.

DOMINISTRATIVE VARIANCE

PLAN TO ACCOMPANY ZONING REQUEST CASE NO. 2017-0197-A

9700 WINKLER STREET

IITH ELEC. DISTRICT 5TH COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND SCALE: 1"=50" JANUARY 17,2017

OWNER
JOVITA BIEMER
9700 WINKLER STREET
WHITE MÄRSH MD. 21162
DEED REF. 03558/00283

MERRITT DEVELOPMENT CONSULTANTS, INC.

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

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