

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1337 Brook Road)		
1 st Election District	*	OFFICE OF ADMINISTRATIVE
1 st Council District		
Robert W. & Mary E. Dietrich	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2017-0224-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Robert W. and Mary E. Dietrich ("Petitioners"). The Petitioners are requesting variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling addition with a side yard setback of 5 ft. and a sum of side yard setbacks of 19 ft. in lieu of the required 15 ft. and 40 ft., respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 3, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information and

ORDER RECEIVED FOR FILING

Date 3-27-17

By LOW

photographs 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 Petitioners.

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 27th day of **March, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling addition with a side yard setback of 5 ft. and a sum of side yard setbacks of 19 ft. in lieu of the required 15 ft. and 40 ft., respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 3-27-17

By [Signature]



KEVIN KAMENETZ
County Executive

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

March 27, 2017

Robert W. Dietrich
Mary E. Dietrich
1337 Brook Road
Baltimore, MD 21228

RE: Petition for Administrative Variance
Case No. 2017-0224-A
Property: 1337 Brook Road

Dear Petitioners:

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,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Eddie Toulan, 11 Newburg Avenue, Baltimore, MD 21228



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 1337 BROOK RD - BALTIMORE, MD 21228 Currently zoned RESIDENTIAL DR2
 Deed Reference 11775 100018 10 Digit Tax Account # 0119001480
 Owner(s) Printed Name(s) ROBERT & MARY DIETRICH

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X **ADMINISTRATIVE VARIANCE** from Section(s) 1802.3.C.1, BC2R, to permit a proposed dwelling addition with a side yard setback of 5 feet and a sum of side yard setbacks of 19 feet in lieu of the required 15 feet and 40 feet, respectively.
 of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

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

Owner(s)/Petitioner(s):

ROBERT DIETRICH , MARY DIETRICH
 Name #1 – Type or Print Name #2 – Type or Print
[Signature] Mary Dietrich
 Signature #1 Signature #2
1337 Brook Rd. Baltimore MD
 Mailing Address City State
21228 , 410-788-2912 , BOB.DIETRICH@COMCAST.NET
 Zip Code Telephone # Email Address

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

Name- Type or Print
 Signature
 Mailing Address City State
 Zip Code Telephone # Email Address

Representative to be contacted:

EDDIE TOULAN
 Name – Type or Print
[Signature]
 Signature
11 NEWBURG AVE BALTIMORE MD
 Mailing Address City State
21228 , 410-925-6718 , ETOLAN@WILLIAMS-NEW
 Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County this 21 day of March, 2017 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0224-A Filing Date 2/21/2017 Estimated Posting Date 3/5/2017 Reviewer JNP

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: 1337 Brook Rd. Baltimore MD 21228
Print or Type Address of property City State Zip Code

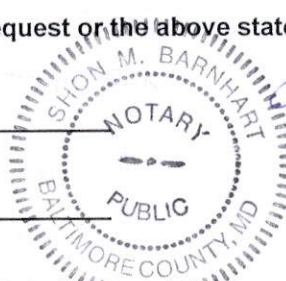
Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

WE ARE REQUESTING A VARIANCE BECAUSE WE ARE APPROACHING
OUR GOLDEN YEARS AND IT IS VERY DIFFICULT FOR US TO CARRY LOADS OF
LADDER UP+DOWN THE STAIRS. THIS SMALL ADDITION WOULD ALLOW US THAT
PROBLEM AND ENABLE US TO STAY IN OUR HOME.

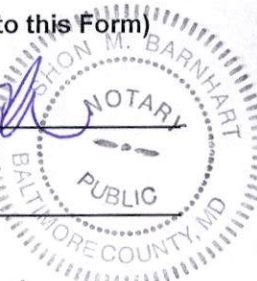
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Robert Dietrich
Signature of Owner (Affiant)

ROBERT DIETRICH
Name- Print or Type



Mary Ellen Dietrich
Signature of Owner (Affiant)
MARY ELLEN DIETRICH
Name- Print or Type



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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of February, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Robert Dietrich and Mary Ellen Dietrich

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

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public
11-13-2019
My Commission Expires

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: 1337 Bank Rd. Baltimore MD 21228
Print or Type Address of property City State Zip Code

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

WE ARE REQUESTING A VARIANCE BECAUSE WE ARE APPROACHING
OUR GOLDEN YEARS AND IT IS VERY DIFFICULT FOR US TO CARRY LOADS OF
LAUNDRY UP+DOWN THE STAIRS. THIS SMALL ADDITION WOULD ALLEViate THAT
PROBLEM AND ENABLE US TO STAY IN OUR HOME.

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

[Signature]
Signature of Owner (Affiant)
ROBERT DIETRICH
Name- Print or Type

[Signature]
Signature of Owner (Affiant)
MARY ELLEN DIETRICH
Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of February, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Robert Dietrich and Mary Ellen Dietrich

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

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public
11-13-2019
My Commission Expires

Property Description

1337 Brook Road, 21228

Beginning at a point on the southeast side of Brook Road which is 50 feet wide, at a distance of 330 feet north east of the centerline of Hilton Avenue which is 50 feet wide.

Being lot #'s 34 & 35 in the subdivision of Ridgebrook as recorded in Baltimore County Plat Book # 7, Folio # 19, containing 9,078 square feet of area. Located in the 1st Election District and 1st Councilmatic District.

2017-0224-A

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

№ 150309

Date: 2/21/2017

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

Total: 75.00

Rec From: Robert Dietrich

For: Adm. Variance - 1337 Brook Road
2017-0224-A (Dietrich)

DISTRIBUTION

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

GOLD - ACCOUNTING

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
2/22/2017 2/21/2017 11:21:41 3
REG #503 - WALKIN CAM
>>RECEIPT # 716487 2/21/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 150309
Recpt Tot \$75.00
175.00 CR \$0.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/4/2017

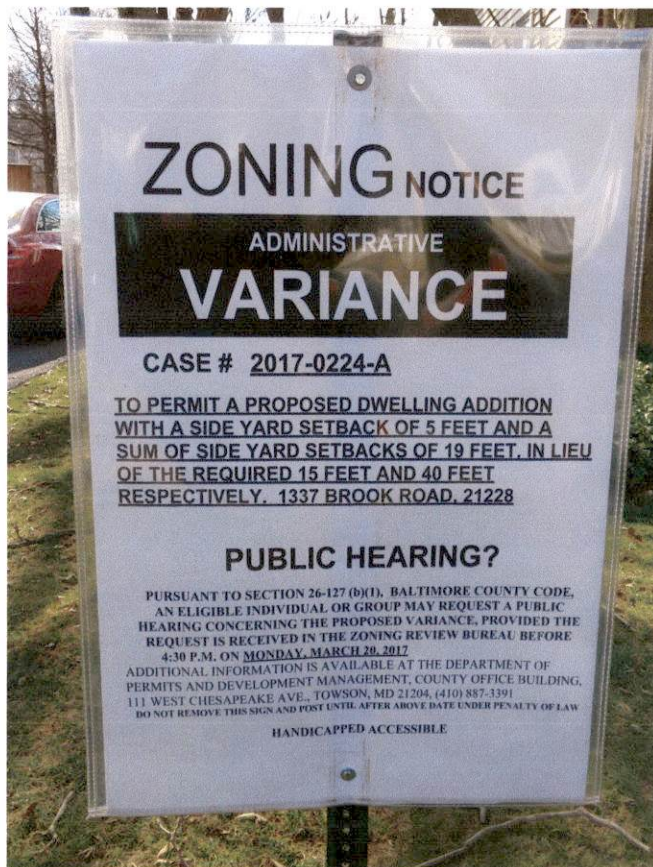
Case Number: 2017-0224-A

Petitioner / Developer: ROBERT & MARY DIETRICH ~ EDDIE TOULAN
of WALL TO WALL CONSTRUCTION, LLC

Date of Hearing (Closing): MARCH 20, 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:
1337 BROOK ROAD, 21228

The sign(s) were posted on: MARCH 3, 2017



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 – 666 – 5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0224 -A Address 1337 Brook Road, 21228

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/21/2017 Posting Date: 3/5/2017 Closing Date: 3/20/2017

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- 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.
- 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- 0224 -A Address 1337 Brook Road, 21228

Petitioner's Name Robert & Mary Dietrich Telephone 410-788-2912

Posting Date: 3/5/2017 Closing Date: 3/20/2017

Wording for Sign: To Permit a proposed dwelling addition with a side yard setback of 5 feet and a sum of side yard setback of 19 feet, in lieu of the required 15 feet and 40 feet, respectively.

Revised 7/6/16



KEVIN KAMENETZ
County Executive

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

March 22, 2017

Robert & Mary Dietrich
1337 Brook Road
Baltimore MD 21228

RE: Case Number: 2017-0224 A, Address: 1337 Brook Road

Dear Mr. & Ms. Dietrich:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 21, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive script.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Eddie Toulan, 11 Newburg Avenue, Baltimore MD 21228

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



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

Date: 2/27/17

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. 2017-0224-A

*Administrative Variance
Robert & Mary Dietrich
1337 Brook 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 black ink, appearing to read "Wendy Wolcott".

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 8, 2017

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

SUBJECT: Zoning Advisory Committee Meeting
For March 3, 2017
Item No. 2017-0221, 0222, 0223 and 0224

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\ZAC03032017.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: March 1, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0224-A
Address 1337 Brook Road
(Dietrich Property)

Zoning Advisory Committee Meeting of **March 3, 2017**

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

Reviewer: Steve Ford Date: 3-1-2017

M E M O R A N D U M

DATE: April 27, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0224-A – Appeal Period Expired

The appeal period for the above-referenced case expired on April 26, 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

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 - 01 Account Number - 0118001480							
Owner Information									
Owner Name:		DIETRICH ROBERT W DIETRICH MARY ELLEN TRUSTEES				Use: Principal Residence:		RESIDENTIAL YES	
Mailing Address:		1337 BROOK RD BALTIMORE MD 21228				Deed Reference:		/11775/ 00018	
Location & Structure Information									
Premises Address:		1337 BROOK RD 0-0000				Legal Description:		LT 34,35 1337 BROOK RD RIDGEBROOK	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0101	0013	1177		0000			34	2016	0007/ 0019
Special Tax Areas:					Town: Ad Valorem: Tax Class:				
Primary Structure Built 1948		Above Grade Enclosed Area 1,380 SF		Finished Basement Area		Property Land Area 9,078 SF		County Use 04	
Stories 2	Basement YES	Type STANDARD UNIT		Exterior SIDING	Full/Half Bath 2 full	Garage	Last Major Renovation		
Value Information									
		Base Value		Value As of 01/01/2016		Phase-in Assessments As of 07/01/2016 As of 07/01/2017			
Land:		119,200		119,200					
Improvements		108,200		127,600					
Total:		227,400		246,800		233,867		240,333	
Preferential Land:		0						0	
Transfer Information									
Seller: DIETRICH ROBERT Type: NON-ARMS LENGTH OTHER				Date: 08/30/1996 Deed1: /11775/ 00018				Price: \$0 Deed2:	
Seller: RAIMO ANTONIO R Type: ARMS LENGTH IMPROVED				Date: 07/24/1973 Deed1: /05379/ 00133				Price: \$28,500 Deed2:	
Seller: Type:				Date: Deed1:				Price: 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: Exempt Class:				Special Tax Recapture: NONE					
Homestead Application Information									
Homestead Application Status: Approved 10/23/2012									

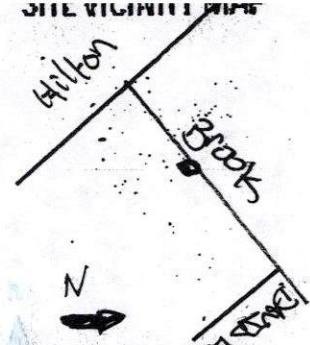
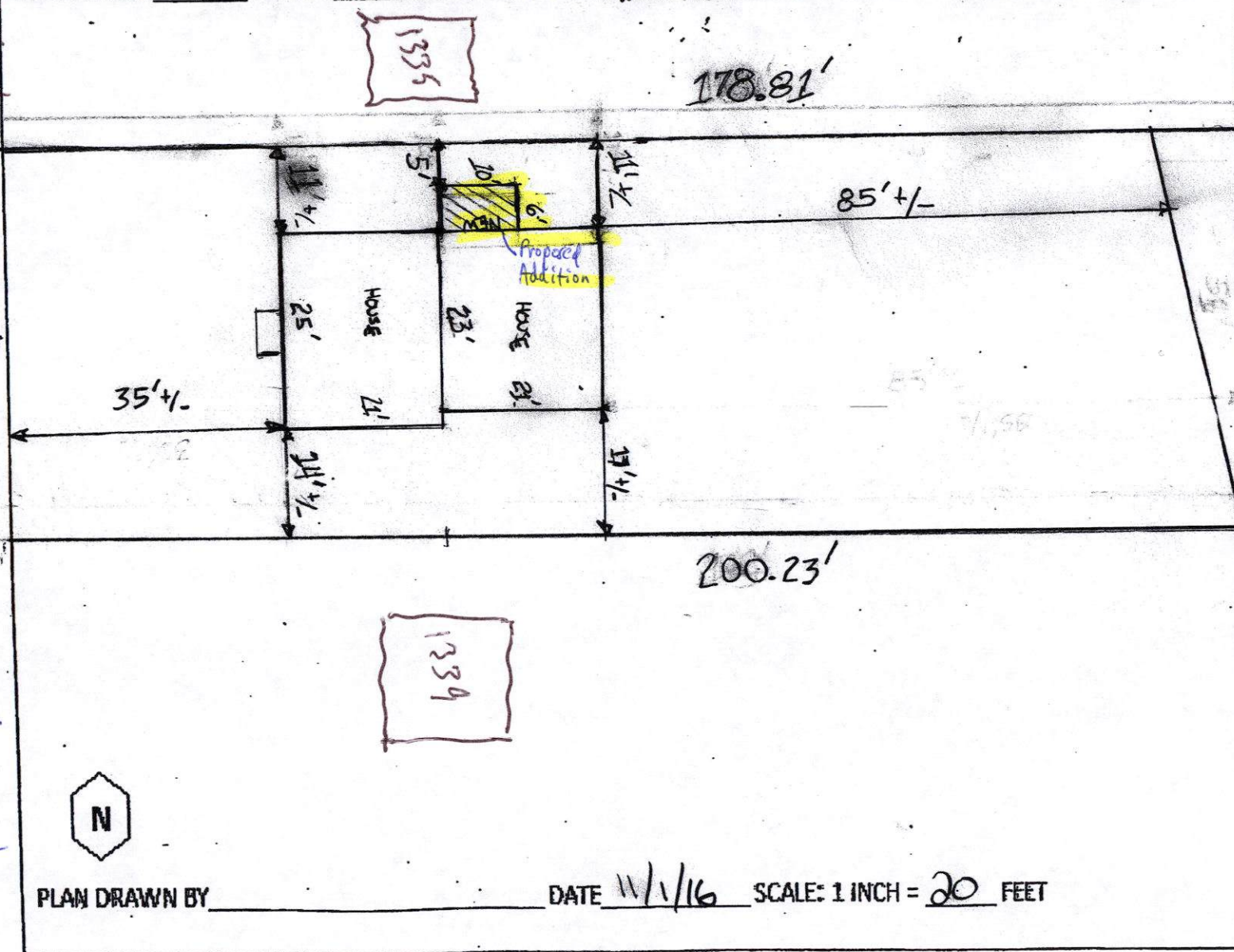
2017-0224-A

ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

ADDRESS 1337 Brook Rd, Baltimore MD 21228 OWNER(S) NAME(S) ROBERT + MARY DIETRICH

SUBDIVISION NAME ROCKBROOK LOT # 3435 BLOCK # SECTION #

PLAT BOOK # 7 FOLIO # 19 10 DIGIT TAX # 0118201480 DEED REF. # 11175100018



MAP IS NOT TO SCALE

ZONING MAP # 10/A2

SITE ZONED DR2

ELECTION DISTRICT 1

COUNCIL DISTRICT 1

LOT AREA ACREAGE 9.078

OR SQUARE FEET

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE

SEWER IS:

PUBLIC ☒ PRIVATE

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2017-0129-A

GRANTED

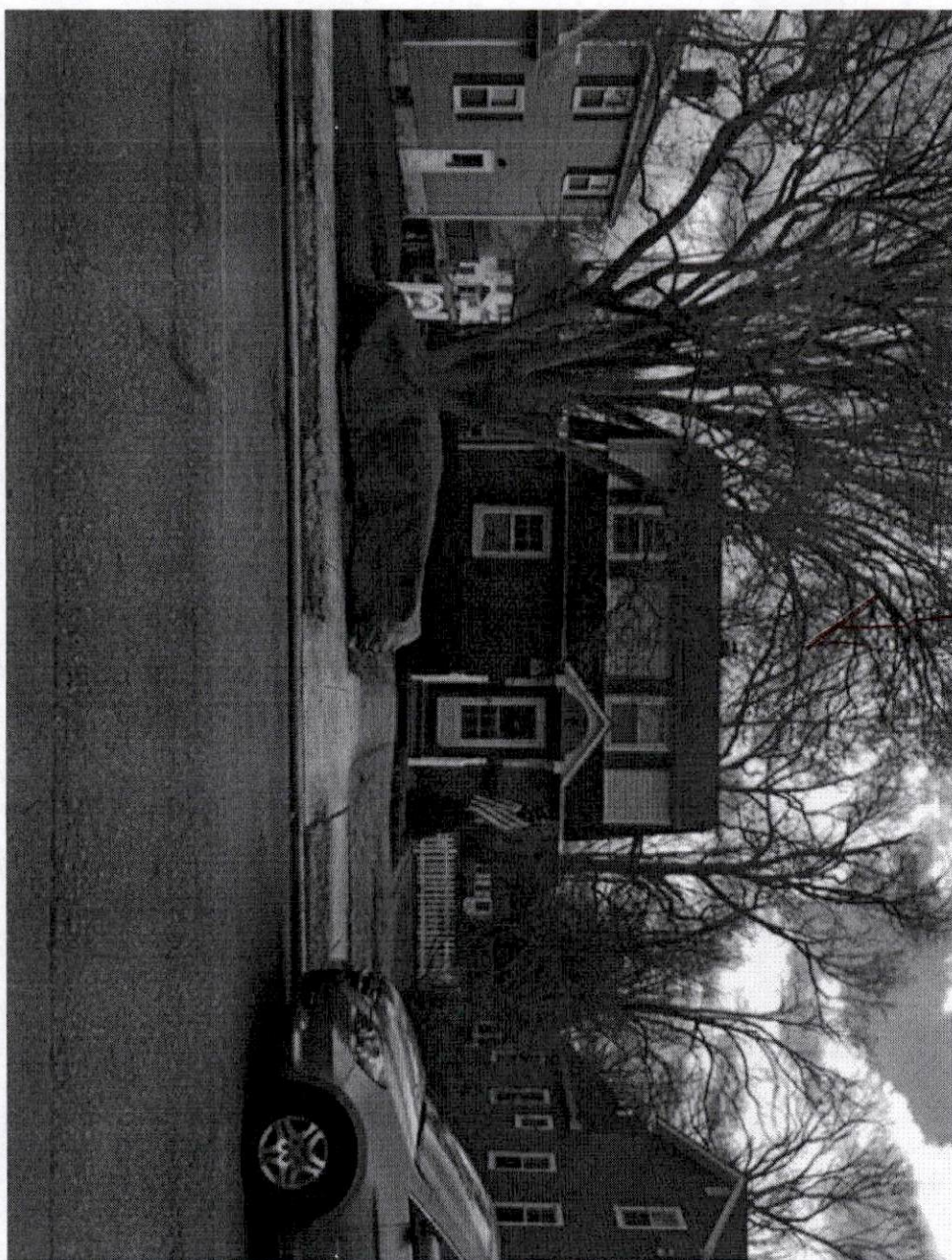
12-13-2016

VIOLATION CASE INFO:

NO

PLAN DRAWN BY _____ DATE 11/1/16 SCALE: 1 INCH = 20 FEET

Pat. Exp. 1



subject
front

2017-0224-A



2017-0224-A

2017-0224-A

Subject From Front

