

MEMORANDUM

DATE: October 11, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0006-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 10, 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

IN RE: PETITION FOR VARIANCE

(206 Dumbarton Road)

9th Election District

5th Council District

Randi & Erik Kaustel

Legal Owners

Petitioners

*

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0006-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Randi & Erik Kaustel, the legal owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from § 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a shed to be located in the side yard in lieu of the required rear yard. A site plan was marked as Petitioner's Exhibit 1.

Randi Kaustel appeared in support of the petition. Several neighbors attended the hearing and their names are on the sign-in sheets in the file. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency objected to the variance request.

The site is approximately 4,590 sq. ft. in size and zoned DR 10.5. The property is improved with an end-of-group townhome, which Petitioners have owned for over 13 years. Petitioners constructed a shed in their side yard and were issued a correction notice by Baltimore County, which led to the filing of the zoning petition.

As an initial matter, I do not believe a variance is required in this case. Ms. Kaustel indicated she spoke with Carl Richards, Director of the County's Zoning Review office, who indicated that under the 1945 zoning regulations which were applicable at the time this dwelling

ORDER RECEIVED FOR FILING

Date 9-8-17

By low

was constructed in 1952 an accessory building could be located on the lot "without restrictions." B.C.Z.R. (1945 Regs.) § VI.C.5. Even so, I will consider the Petition as filed, which seeks a variance for the location of the shed.

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).

Ms. Kaustel explained this is a corner lot which is bordered by converging alleys and the Rodgers Forge Elementary School. As such the property is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be required to relocate the shed, which would cost in excess of \$1,000.00.

Finally, I find that the variances 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. Ms. Kaustel indicated the new shed was placed in the exact location as a prior shed which stood on the property for over 10 years. Petitioners' neighbor submitted a letter of support indicating the shed is a "handsome addition, and fits in nicely with the Rodgers Forge neighborhood." Pets. Ex. 3. In addition, the Rodgers Forge Community Inc. did not oppose the request (Pets. Ex. 4), and its president Kristine Henry conceded the property had certain unique attributes.

THEREFORE, IT IS ORDERED, this 8th day of **September, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the

ORDER RECEIVED FOR FILING

Date 9-8-17

By [Signature]

Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a shed to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED.

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 9-8-17

By bw



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 206 Dumbarton Rd which is presently zoned DR 10.5
Deed References: _____ 10 Digit Tax Account # 0920661621
Property Owner(s) Printed Name(s) Randi Kaustel Erik Kaustel

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

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

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a Variance from Section(s) 4001.1; BC2R to permit a shed to be located in the side yard in lieu of the required rear yard.

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)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

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

Attorney for Petitioner:

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

Legal Owners (Petitioners):

Randi Kaustel Erik Kaustel
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Randi Kaustel Erik Kaustel
Signature #1 _____ Signature #2 _____
206 Dumbarton Rd Baltimore Md 21212
Mailing Address _____ City _____ State _____
21212, 410-375-1146, Randa11K3@aol.com
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

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

CASE NUMBER 2018-0006-A Filing Date 7/7/17 Do Not Schedule Dates: 8/21-9/1 Reviewer km

June 21, 2017

Zoning property description for 206 Dumbarton Rd.

Beginning at a point on the north side of Dumbarton Rd which is 60 feet wide at a distance of 150 feet west of the center line of the nearest improved intersection street Rodgers Forge Rd which is 40 Feet wide.

Being lot #1, in the subdivision of Rodgers Forge as recorded in Baltimore County Plat Book#17, Folio #40, containing 2,726 square feet. Located in the 9th Election district and 5th Council District.



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 5125064

Sold To:

Randi & Erik Kaustel - CU00613773
206 Dumbarton Rd
Baltimore, MD 21212-1443

Bill To:

Randi & Erik Kaustel - CU00613773
206 Dumbarton Rd
Baltimore, MD 21212-1443

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

Aug 17, 2017

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: # 2018-0006-A
206 Dumbarton Road
N/s Dumbarton Road, 150 ft. +/- west of centerline of Rodgers Forge Road
9th Election District - 5th Councilmanic District
Legal Owner(s) Randi Kaustel, Erik Kaustel

Variance to permit a shed to be located in the side yard in lieu of the required rear yard.

Hearing: Thursday, September 7, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

8/062 Aug. 17 5125064

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 8/20/2017

Case Number: 2018-0006-A

Petitioner / Developer: KAUSTEL RESIDENCE

Date of Hearing (Closing): SEPTEMBER 7, 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:
206 DUMBARTON ROAD

The sign(s) were posted on: AUGUST 18, 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)



KEVIN KAMENETZ
County Executive

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

August 1, 2017

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: 2018-0006-A

206 Dumbarton Road

N/s Dumbarton Road, 150 ft. +/- west of centerline of Rodgers Forge Road

9th Election District – 5th Councilmanic District

Legal Owners: Randi Kaustel, Erik Kaustel

Variance to permit a shed to be located in the side yard in lieu of the required rear yard.

Hearing: Thursday, September 7, 2017 at 10:00 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 the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Kaustel Residence, 206 Dumbarton Road, Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 18, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 17, 2017 Issue - Jeffersonian

Please forward billing to:
Randi & Erik Kaustel
206 Dumbarton Road
Baltimore, MD 21212

410-375-1146

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: 2018-0006-A

206 Dumbarton Road

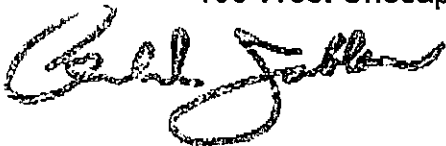
N/s Dumbarton Road, 150 ft. +/- west of centerline of Rodgers Forge Road

9th Election District – 5th Councilmanic District

Legal Owners: Randi Kaustel, Erik Kaustel

Variance to permit a shed to be located in the side yard in lieu of the required rear yard.

Hearing: Thursday, September 7, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR VARIANCE
206 Dumbarton Road; N/S Dumbarton Road,
150' W of Rodgers Forge Road
9th Election & 5th Councilmanic Districts
Legal Owner(s): Randi & Erik Kaustel
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-006-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.

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

RECEIVED

JUL 18 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 2017, a copy of the foregoing Entry of Appearance was mailed to Randi & Erik Kaustel, 206 Dumbarton Road, Baltimore, Maryland 21212, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

Case Number: 2018-0006-A
Property Address: 206 Dumbarton Rd
Property Description: N/SIDE OF DUMBARTON RD., 150ft⁺
WEST OF THE E of RODGERS FORGE RD.
Legal Owners (Petitioners): Randi + Erik Kaustel
Contract Purchaser/Lessee: N/A.

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Company/Firm (if applicable): _____
Address: Same.

Telephone Number: 410-375-1146

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
ADDRESS 206 Dumbarton Rd OWNER(S) NAME(S) Randi & Erik Kaustel
SUBDIVISION NAME Rodgers Forge LOT # 1 BLOCK # SECTION #
PLAT BOOK # 17 FOLIO # 40 10-DIGIT TAX # DEED REF. # 20269/00043

SITE VICINITY MAP

N



MAP IS NOT TO SCALE

ZONING MAP# 069C1

SITE ZONED DR 10.

ELECTION DISTRICT 9th

COUNCIL DISTRICT 5th

LOT AREA ACREAGE

OR SQUARE FEET 2726

HISTORIC? No

IN CBCA? No

IN FLOOD PLAIN?

UTILITIES? MARK WITH X

WATER IS:

PUBLIC PRIVATE

SEWER IS:

PUBLIC PRIVATE

PRIOR HEARING?

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:



PLAN DRAWN BY _____ DATE _____ SCALE: 1 INCH = _____ FEET

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

NO 154839

Date: 7/7/17

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					75.-

Total: 75.-

Rec From: RANDI KAUSTEL

For: 2018-0006-14

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
7/07/2017 7/07/2017 09:23:41 2
REG WSO2 WALKIN JEE
>>RECEIPT # 015007 7/07/2017 OFLA
Dept 5 528 ZONING VERIFICATION
CR NO. 154839
Recpt Tot \$75.00
\$75.00 CK \$0.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

August 31, 2017

Randi & Erik Kaustel
206 Dumbarton Road
Baltimore MD 21212

RE: Case Number: 2018-0006 A, Address: 206 Dumbarton Road

Dear Mr. & Ms. Kaustel:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 7, 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 that reads "W. Carl Richards, Jr." The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 7/17/17

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. 2018-0006-A

Vannanico
Randi & Erik Kaustel
R 206 Burnhollow 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,

Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

JLS 9-7 10AM

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 8/14/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-006



INFORMATION:

Property Address: 206 Dumbarton Road
Petitioner: Randi Kaustel, Erik Kaustel
Zoning: DR 10.5
Requested Action: Variance

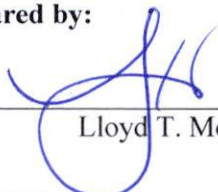
The Department of Planning has reviewed the petition for a variance to permit a shed to be located in the side yard in lieu of the required rear yard.

A site visit was conducted on July 27, 2017. The subject site is located in the Rodgers Forge community and is improved with an end row house. The property is the subject of zoning code violation Case No. CC1707045.

The Department objects to granting the petitioned zoning relief. Placing the accessory structure in the required rear yard presents no undue hardship for the petitioners. By keeping the structure in the rear yard, the property is more in keeping with a signature characteristic of this community wherein the spatial relationships between structures is maintained by being free of minor structures. This condition presents an orderly development pattern when viewed from the public street and the adjacent public school.

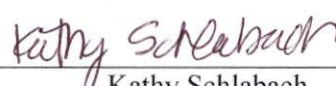
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

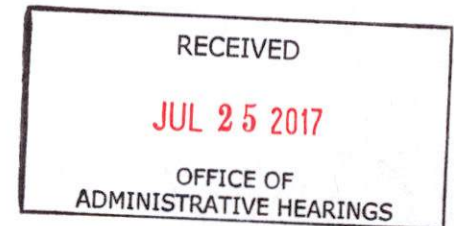
Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
Randi Kaustel, Erik Kaustel
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: July 19, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0006-A
Address R 206 Dumbarton Road
(Kaustel Property)

Zoning Advisory Committee Meeting of **July 24, 2017.**

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

Reviewer: Steve Ford

Date: 7-19-2017

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 11, 2017

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 24, 2017
Item No. 2017-0354-A, 355-SPHA,
2018-0001, 0003-A, 0005-SPH, 0006-A, 0007-SPHX, 0009-A, 0010-SPH,
0014-A, 0016-A, 0017-SPH, 0018-A, 0019-A, 0020-A

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

VKD:CEN
cc:file

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

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

DATE: 8/14/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-006

INFORMATION:

Property Address: 206 Dumbarton Road
Petitioner: Randi Kaustel, Erik Kaustel
Zoning: DR 10.5
Requested Action: Variance

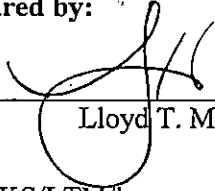
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For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
Randi Kaustel, Erik Kaustel
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: July 19, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0006-A
Address R 206 Dumbarton Road
(Kaustel Property)

Zoning Advisory Committee Meeting of **July 24, 2017**.

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

Reviewer: Steve Ford

Date: 7-19-2017

CASE NAME 206 Dunbar Rd.
CASE NUMBER 2018-006-A
DATE 9-7-17

[illegible]

CASE NAME 206 Dumbarton Rd.
CASE NUMBER 2018-006-A
DATE 9-7-17

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment8/11DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)no comment7/25DEPS
(if not received, date e-mail sent _____)no comment

FIRE DEPARTMENT

8/14PLANNING
(if not received, date e-mail sent _____)Comment7/17

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. CC 1707045)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

8/17/17

SIGN POSTING

Date:

8/18/17

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0920661620			
Owner Information					
Owner Name:	KAUSTEL RANDI KAUSTEL ERIK		Use:	RESIDENTIAL	
Mailing Address:	206 DUMBARTON RD BALTIMORE MD 21212-1443		Principal Residence:	YES	
			Deed Reference:	/29790/ 00428	
Location & Structure Information					
Premises Address:		206 DUMBARTON RD 0-0000		Legal Description:	206 DUMBARTON RD RODGERS FORGE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0069	0024	0269		0000	11 1 1
					Assessment Year: 2017
					Plat No: 0017/ Plat Ref: 0040
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1952	1,280 SF	235 SF	4,590 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	END UNIT	BRICK	1 full	
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2017	07/01/2017	07/01/2018	
Land:	100,000	100,000			
Improvements	143,500	191,300			
Total:	243,500	291,300	259,433	275,367	
Preferential Land:	0			0	
Transfer Information					
Seller: KATZ RANDI		Date: 08/19/2010		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /29790/ 00428		Deed2:	
Seller: WHEDBEE PETER OMALLEY		Date: 06/21/2004		Price: \$241,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /20269/ 00043		Deed2:	
Seller: BELL W FONTAINE		Date: 07/29/1987		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /07623/ 00365		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 10/05/2009					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0920661621			
Owner Information					
Owner Name:		KATZ RANDI		Use:	RESIDENTIAL
Mailing Address:		206 DUMBARTON RD BALTIMORE MD 21212-1443		Principal Residence:	NO
				Deed Reference:	/20269/ 00043
Location & Structure Information					
Premises Address:		206 DUMBARTON RD 0-0000		Legal Description:	E ADJ LT 1 & PATH 206 DUMBARTON RD RODGERS FORGE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0069	0024	0269		0000	
					Block:
					1
					Lot:
					2017
					Assessment Year:
					0017/
					Plat No:
					0040
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			2,726 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2017	07/01/2017	07/01/2018	
Land:	600	600			
Improvements	0	0			
Total:	600	600	600	600	
Preferential Land:	0			0	
Transfer Information					
Seller: WHEDBEE PETER OMALLEY		Date: 06/21/2004		Price: \$241,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /20269/ 00043		Deed2:	
Seller: BELL W FONTAINE		Date: 07/29/1987		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /07623/ 00365		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
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					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

Case No.: 2018-006-A

Exhibit Sheet

Petitioner/Developer

10-11-17
RW

Protestant

RW 9-8-17

No. 1	Plan	
No. 2	Photos	
No. 3	Letter- Neighbor	
No. 4	Letter- community assoc.	
No. 5	Community Assoc. Board Approval E-mail	
No. 6	Aerial photos	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

July 5, 2017

We have a unique property. We are an end of group and have no other houses to the right of us when looking at our property. To the right of us is Rodgers Forge elementary school. We recently replaced a shed that has occupied the area in question over 10 years. Putting the shed behind the back wall would present a safety issue. The Kindergarten door is used for drop off and dismissal of students during the school year. The shed would impair the view of the two converging alleys. They would not have a full view to cross. The houses located north of Stevenson Lane cross via crossing guard and use the Lanark sidewalk down to the alley to get to school. This is a huge vehicle and traffic area.

Our yard is also unique because we have a fence that goes to the front wall of our house. This makes us have a large back yard because it encompasses the side as well.

Like we mentioned earlier we had a shed in the same spot for over 10 years. This shed was concealed by trees. We recently lost those trees. We are currently getting quotes to replant and conceal the new shed.

The new shed was approved by the Rodgers Forge home owners board. In their approval email they asked for us to make sure it did not affect the neighbors next door as far as water run off and to check with the Baltimore County to see if a permit was needed for the size. We did both and our due diligence. We did not know that we could not place it just anywhere in our yard. We are 150 feet off the street. We completed the new landscaping mid August. The trees/shrubs will ultimately block any view from the street. It would be a financial hardship (more labor, having to redo the base again) to move the shed as we spent a lot of money to improve the one we had previously.

Thank you,

Randi and Erik Kaustel

Please refer to photos enclosed

 Directions Save home Share

206 Dumbarton Rd.,
Baltimore, MD 21212-1443

Ex. 2



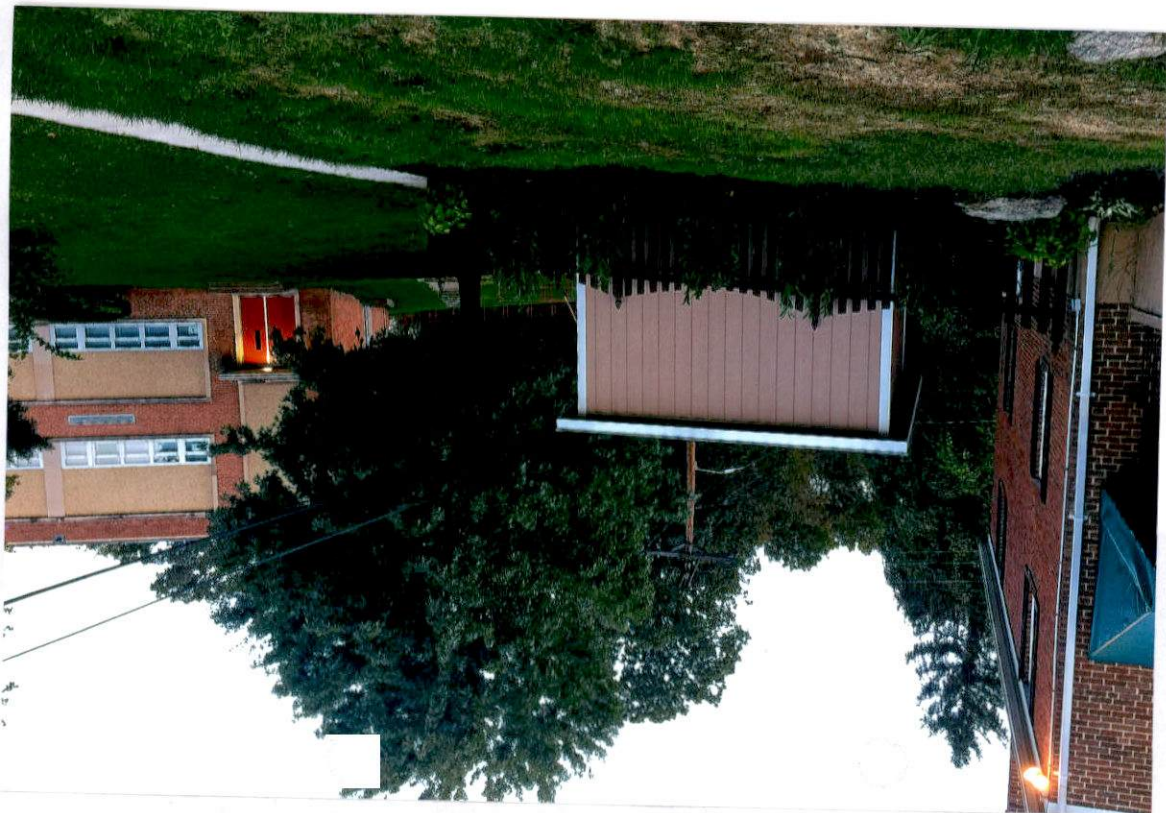
View from yard to street & Glen

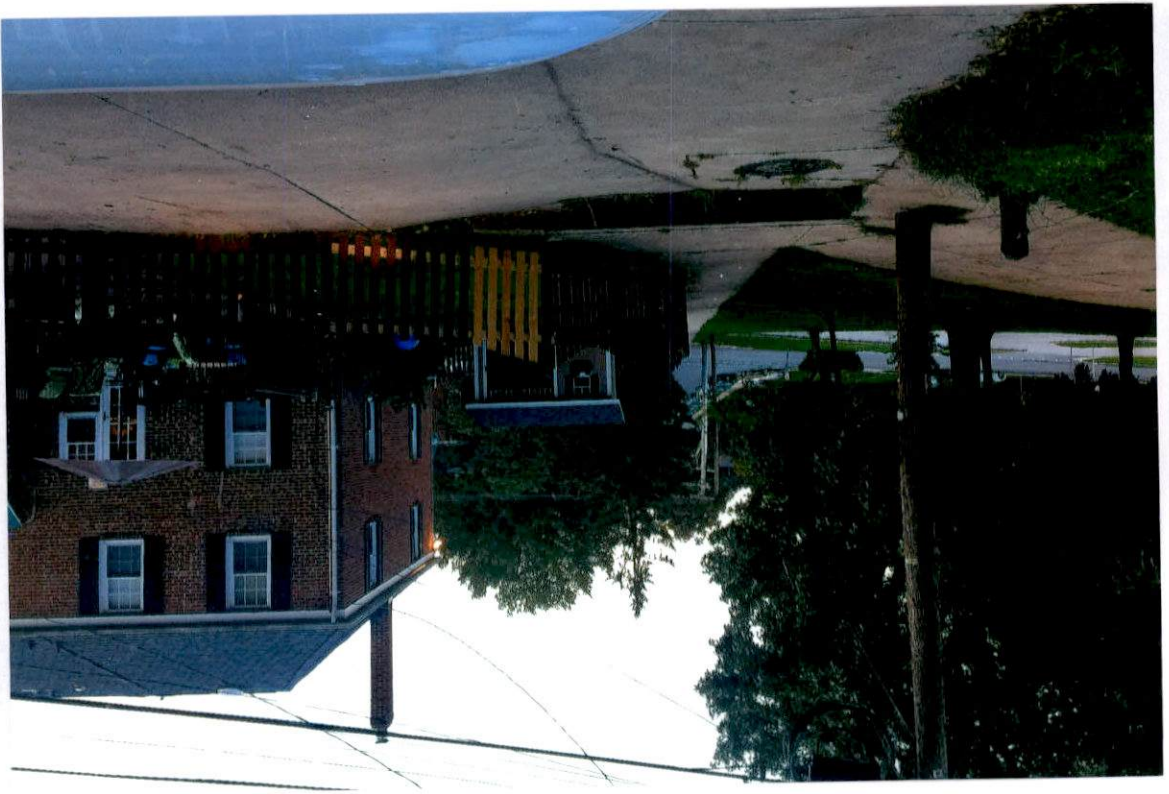


Backside yard - Alley view



View on corner part of lot





- View after tree/shrub cut and new landscaping
- View from Dumbarton Rd.

Before Tree + Shrub removal



June 26, 2017

To Whom It May Concern:

We reside at 204 Dumbarton Road, Baltimore, MD, and have been next door neighbors with Randy & Eric Kaustel for more than ten years.

During this time, Randy and Eric have always maintained a well-groomed and inviting yard. The new shed in their back yard is a handsome addition, and fits in nicely with the Rodgers Forge neighborhood.

Sincerely,

A handwritten signature in cursive script, appearing to read "Judy Powers".

Judy & David Powers
410.821.0468

Ex. 3

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE, MARYLAND 21212
Mailing Address: Post Office Box 571, Riderwood, Maryland 21139

September 6, 2017

To: Baltimore County Officials
Re: Case Number: 2018-0006-A
Shed variance at 206 Dumbarton Road 21212

The Rodgers Forge Community Inc. Board of Governors held a special meeting tonight to discuss the question of the shed at 206 Dumbarton Road and the homeowners' request for a variance to allow it in their side yard.

The following motion was passed at our meeting: "That we [the Rodgers Forge board] present a neutral stance regarding the shed at 206 Dumbarton based on the following facts: there are no neighbors facing the shed; the shed and the home are next to a school; the house is quite far off the road; there had been a shed in that location already; placing it in the back of the house could be a safety issue for students walking home from Rodgers Forge Elementary because it would block their line of site into the alley; and the homeowners have planted fast-growing trees that will soon largely conceal the shed."

That is to say, because of the special conditions outlined above, the Rodgers Forge Community Inc. Board of Governors has voted to remain neutral on this variance question.

Respectfully,

Kristine Henry
President, Rodgers Forge Community Inc.

Ex-4

On Wed, Mar 1, 2017 at 9:23 PM, Randi <randallk3@aol.com> wrote:

Thank you very much.

Sent from my iPhone

> On Mar 1, 2017, at 9:11 PM, Kristine Henry <kristine.henry@gmail.com> wrote:

>

> Hi Randi and Erik --

>

> We wanted to let you know that your shed was approved on the condition it be placed away from your neighbor's property such that any water run off would not go onto their property. (That has been a problem in the past in other cases.)

>

> Please also check with the county regarding the necessary permits, and about what is acceptable under the shed. I believe they require concrete or a certain type of gravel under sheds, but you'll want to check with the county to get the specific details.

>

> Thanks so much for your application and for helping keep Rodgers Forge such a great place to live.

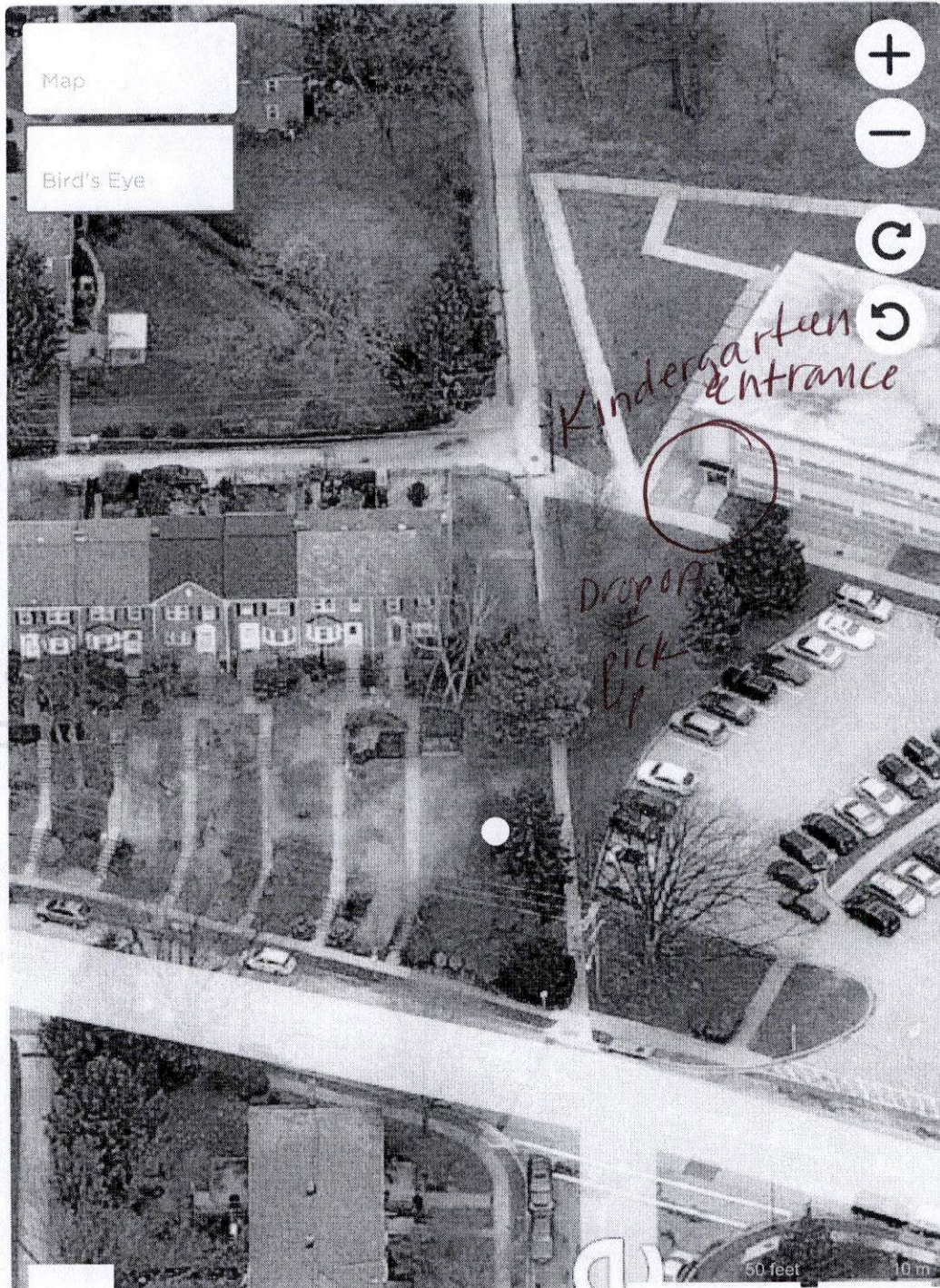
>

> Take care,

> Kris Henry

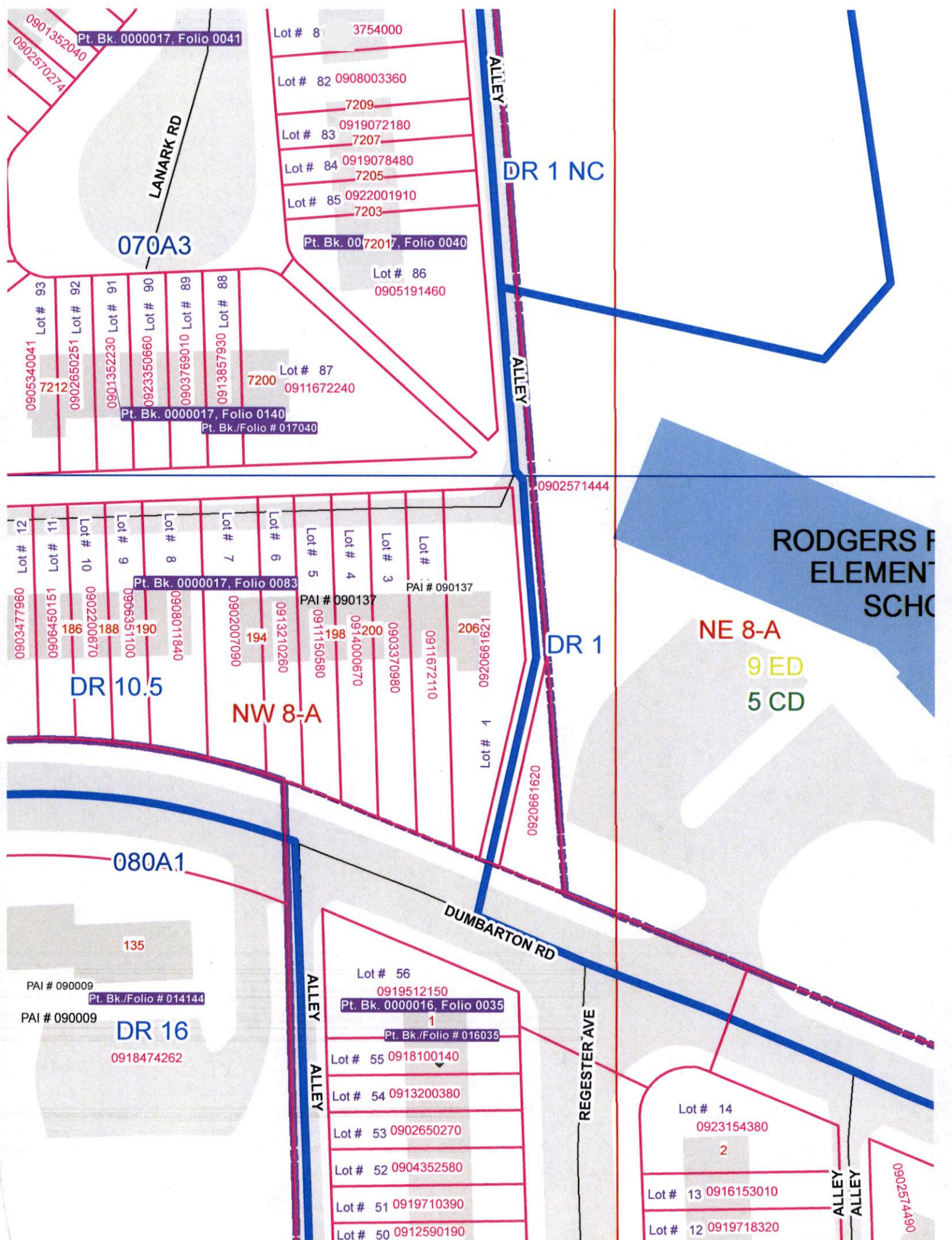
> RFCA president

Ex. 5



206 Dumbarton Rd
Baltimore, MD 21212-1443

Ex. 6



Pt. Bk. 0000017, Folio 0041

Lot # 81 3754000

Lot # 82 0908003360

7209

Lot # 83 0919072180
7207

Lot # 84 0919078480
7205

Lot # 85 0922001910
7203

Pt. Bk. 0072017, Folio 0040

Lot # 86
0905191460

Lot # 87
7200 0911672240

Pt. Bk. 0000017, Folio 0140

Pt. Bk./Folio # 017040

0902571444

RODGERS
ELEMENTARY
SCHOOL

Pt. Bk. 0000017, Folio 0083

PAI # 090137

PAI # 090137

NE 8-A

9 ED

5 CD

DR 10.5

NW 8-A

DR 1

080A1

135

PAI # 090009

Pt. Bk./Folio # 014144

PAI # 090009

DR 16

0918474262

Lot # 56

0919512150

Pt. Bk. 0000016, Folio 0035

1

Pt. Bk./Folio # 016035

Lot # 55 0918100140

Lot # 54 0913200380

Lot # 53 0902650270

Lot # 52 0904352580

Lot # 51 0919710390

Lot # 50 0912590190

Lot # 14

0923154380

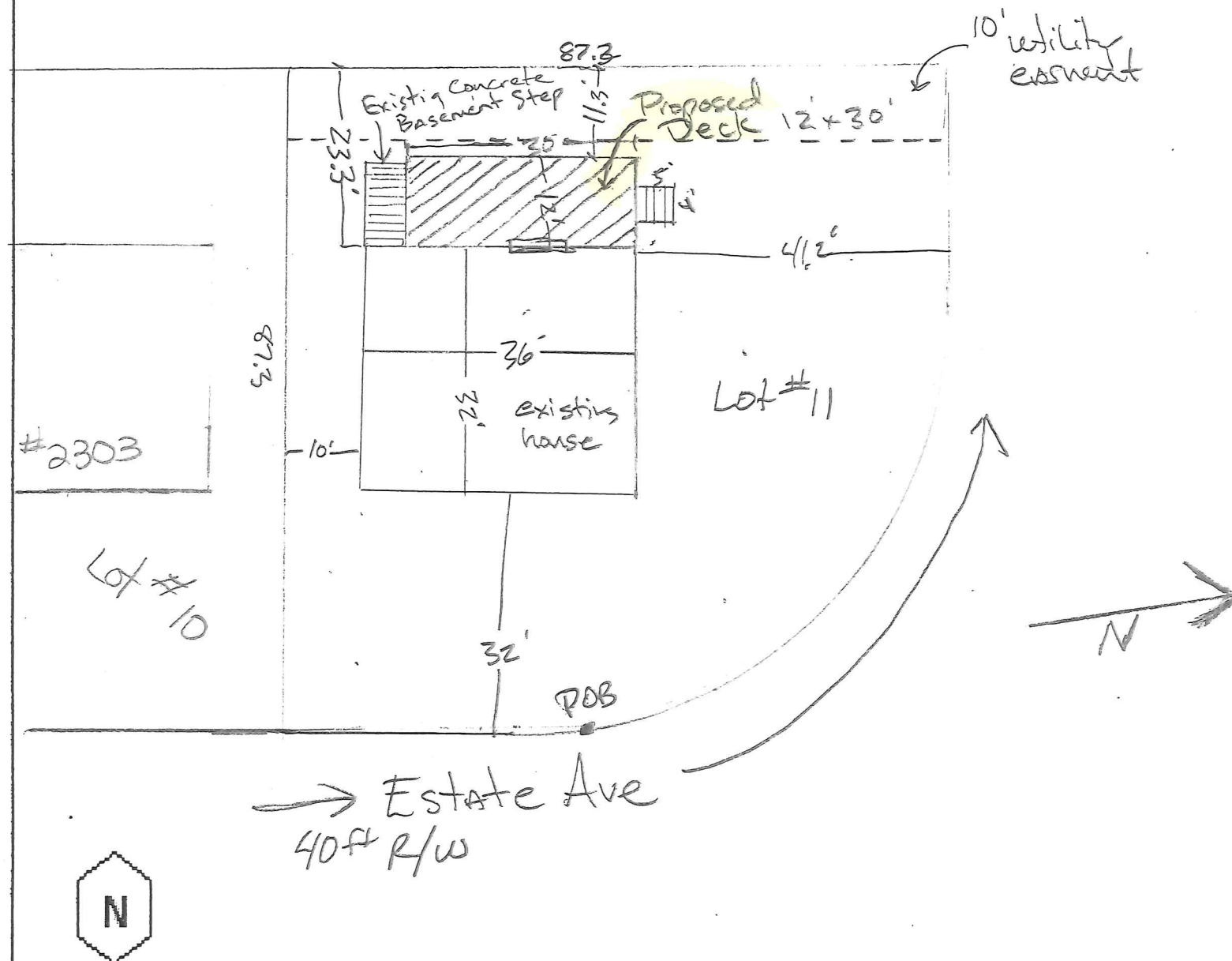
2

Lot # 13 0916153010

Lot # 12 0919718320

0902571490

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 2313 Estate Ave OWNER(S) NAME(S) Paul Virgintino
 SUBDIVISION NAME Headland Estate LOT # 11 BLOCK # _____ SECTION # _____
 PLAT BOOK # 79 FOLIO # 431 10 DIGIT TAX # 2500011513 DEED REF. # 3863 / 00489



PLAN DRAWN BY MATHEW Ciarpella DATE 6-9-2017 SCALE: 1 INCH = 20' FEET

SITE VICINITY MAP



ZONING MAP# 111 B3

SITE ZONED D.R. 5.5

ELECTION DISTRICT 15th

COUNCIL DISTRICT 7th

LOT AREA ACREAGE _____

OR SQUARE FEET 6,838 sq. ft

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? _____

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

None

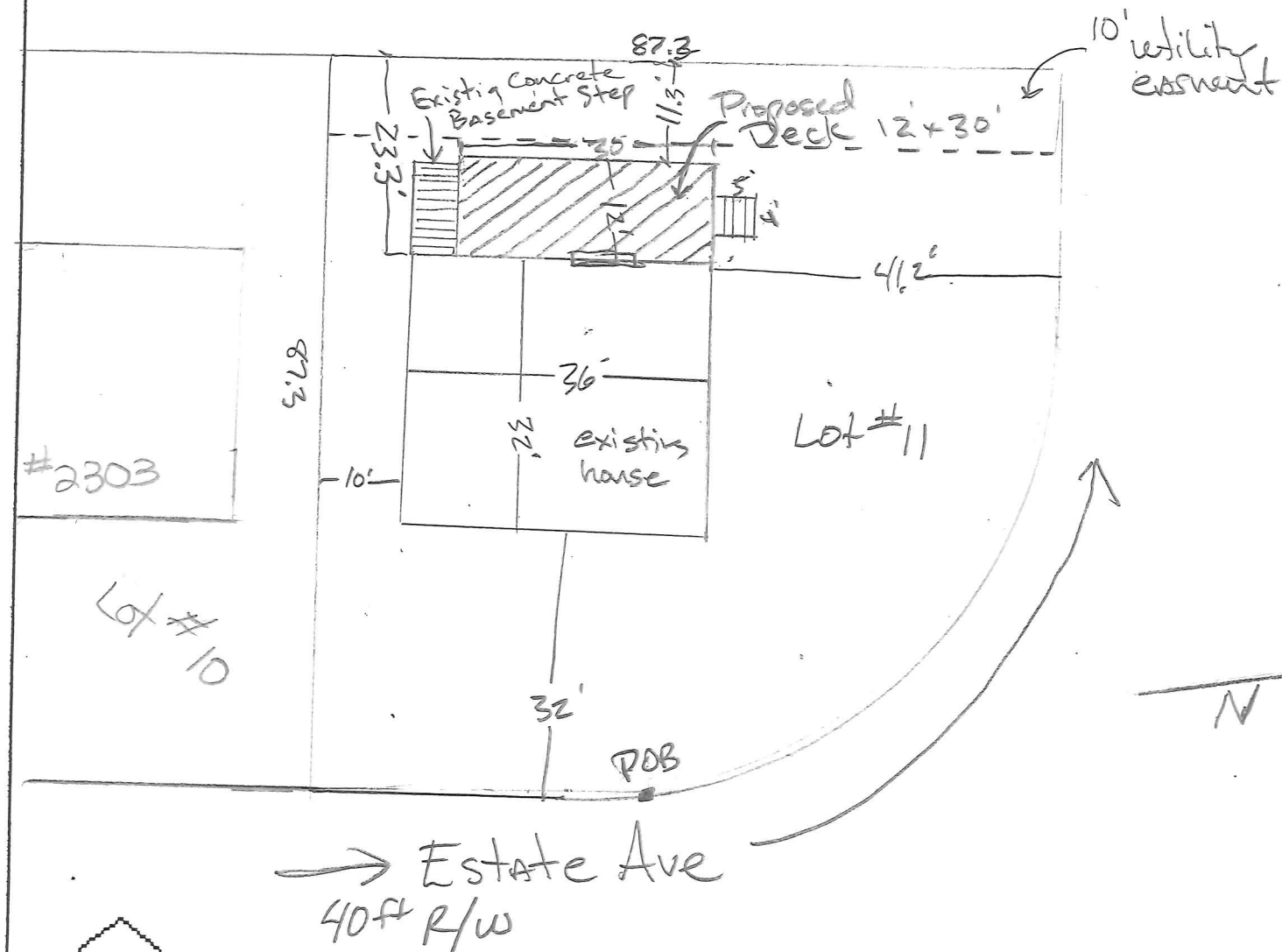
Pet. Exh. 1

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

ADDRESS 2313 Estate Ave OWNER(S) NAME(S) Paul Virgintino

SUBDIVISION NAME Headland Estate LOT # 11 BLOCK # _____ SECTION # _____

PLAT BOOK # 79 FOLIO # 431 10 DIGIT TAX # 2500011513 DEED REF. # 38103 / 00489



PLAN DRAWN BY MATHEW Ciarpella DATE 6-9-2017 SCALE: 1 INCH = 20' FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 111 B3

SITE ZONED DR 5.5

ELECTION DISTRICT 15th

COUNCIL DISTRICT 7th

LOT AREA ACREAGE _____

OR SQUARE FEET 6,838 sq. ft

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? _____

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

None

2018-0004-A