

MEMORANDUM

DATE: November 13, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0057-A – Appeal Period Expired

The appeal period for the above-referenced case expired on November 9, 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

(51 Burkshire Road)

9th Election District

5th Council District

Dortzbach Family Care Trust

Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0057-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Dortzbach Family Care Trust, the legal owner of the subject property ("Petitioner"). The Petition seeks variance relief from §400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing shed located in the side yard in lieu of the rear yard with a setback of 5 ft. 8 in. to the center of the alley in lieu of the required 15 ft. A site plan was marked as Petitioner's Exhibit 1.

Ms. Dortzbach appeared in support of the petition. There were no protestants or interested citizens in attendance. 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 opposed the request.

The site is approximately 2,340 sq. ft. in size and zoned DR 5.5. The property is improved with an end-of-group townhome. Ms. Dorzbach stated she and her husband purchased the home for their daughter, who is divorced and has four children under the age of 13. She said the shed is necessary to store bicycles and other recreation items used by the children which would otherwise be exposed to the elements in the rear yard.

ORDER RECEIVED FOR FILING

Date

10/10/17

By

SLH

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).

This is an end-of-group home which borders an alley, which renders the property unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to retain the shed. 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.

The DOP opined the shed was not compatible with the established pattern of the neighborhood. I respectfully disagree and note the Burkleigh Square Community Association submitted a letter (Ex. 2) dated October 4, 2017 stating "other properties in the neighborhood have side sheds." That letter also stated the shed's location did not negatively impact the adjacent community park. Ms. Dortzbach provided similar testimony, and based on this evidence I do not believe granting the variance request would be injurious to the community.

THEREFORE, IT IS ORDERED, this 10th day of **October, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing shed located in the side yard in lieu of the rear yard with a setback of 5 ft. 8 in. to the center of the alley in lieu of the required 15 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

10/10/17

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 10/10/17
By slr



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 51 BURKSHIRE RD which is presently zoned RESIDENTIAL
Deed References: 36940/00236 10 Digit Tax Account # 09 1 8 4 7 0 4 2 0
Property Owner(s) Printed Name(s) DORTZBACH FAMILY CARE TRUST

(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) 460.1 of the BCZR; To permit an existing shed located in the side yard in lieu of the rear yard with a setback of 5 feet 8 inches to the center of the alleyway in lieu of the required 15 feet.

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)

A Removable side-yard shed of 4'x7' to be placed on side yard that is 68" wide from alley, allowing a set-back of more than 12" behind existing fence line.

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):

DORTZBACH FAMILY CARE TRUST

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2806 N CALVERT BALTIMORE MD

21218 443 570 3668 Kdortzbach@mac.com

Representative to be contacted:

KARL DORTZBACH

Name - Type or Print

Signature

2806 N CALVERT BALTIMORE MD

21218 443 570 3668 Kdortzbach@mac.com

CASE NUMBER 2018-0057-A Filing Date 8/18/17

Do Not Schedule Dates:

Reviewer gh

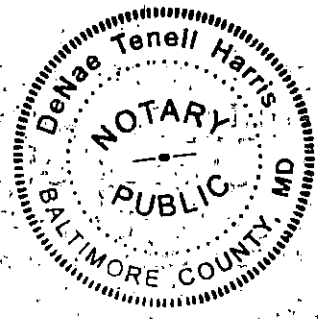
Petitioners own the property of 51 Burkshire Rd
and daughter with children occupy the dwelling.
the only violation is the shed

Kal S Df

for DORTZBACH FAMILY CARE TRUST

Kal S Df

Dea T. Harris

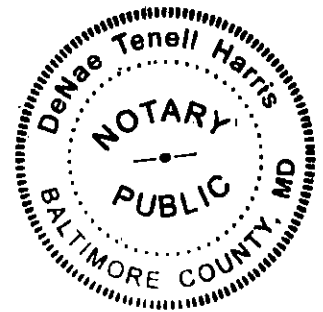


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Kal S Dft for DORTZBACH FAMILY CARE TRUST

Kal S Dft

Dea Tulliam





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 51 BURKSHIRE RD which is presently zoned RESIDENTIAL
Deed References: 36940/00236 10 Digit Tax Account # 0918470420
Property Owner(s) Printed Name(s) DORTZBACH FAMILY CARE TRUST

(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) 400.1 of the BCZR; To permit an existing shed located in the side yard in lieu of the rear yard, with a setback of 5 feet 8 inches to the center of the alleyway in lieu of the required 15 feet.

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)

A Removable side-yard shed of 4'x7' to be placed on side yard that is 68" wide from alley, allowing a set-back of more than 12" behind existing fence line.

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):

DORTZBACH FAMILY CARE TRUST

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2806 N CALVERT BALTIMORE MD

Mailing Address

City

State

21218

443 570 3668

Kdortzbach@mac.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

KARL DORTZBACH

Name - Type or Print

Signature

2806 N CALVERT BALTIMORE MD

Mailing Address

City

State

21218

443 570 3668

Kdortzbach@mac.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0057-A

Filing Date 8/18/17

Do Not Schedule Dates:

Reviewer gh

REV. 10/4/11

Address: 51 Burkshire Rd., Towson, MD 21286
Tax ID: 0918470420
Owner: DORTZBACH FAMILY CARE TRUST
Deed Reference: 36940/00236 (pages 236-240 = 5 pages; from SDAT Tax record)
Plat Reference: 0012/ 0088 (from SDAT Tax record)

From Deed:

Being the same at a point on the southeast side of Burkshire Road as laid out 50 feet wide at the distance of 333.73 feet measured southwesterly long the southeast side of Burkshire Road from the southwest side of Burke Avenue as laid out 40 feet wide said point of beginning being in line with the center line of the partition wall erected between the house on the lot now being described and the house on the lot adjoining on the northeast and running thence and binding on the southeast side of Burkshire Road south 19 degrees 11 minutes west 24.89 feet to the northeast side of a 10 foot alley there laid out thence along the northeast side of said 10 foot alley there laid out thence along the northeast side of said 10 foot alley with the use thereof in common south 70 degrees 45 minutes east 85 feet thence along the northernmost side of said alley north 645 degrees 13 minutes east 14.13 feet to the northwest side of a 15 foot alley there laid out thence along the northwest side of 15 foot alley with the use thereof in common north 19 degrees 11 minutes east 15.00 feet to a point in line with the center line of the partition wall herein referred to and thence to and through the center of said partition wall north 70 degrees 49 minutes west 15 feet to the place of beginning. Being Lot No. 11 as shown on the Plat of Burkshire Square recorded among the Land Records of Baltimore County in Plat Book C.W.B., Jr. 12, folio 88.

2018-0057-A

C ERTIFICATE OF POSTING

CASE NO. 2018-0057-A

PETITIONER/DEVELOPER

KARL DORTZBACH

DATE OF HEARING/CLOSING

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

51 BURKSHIRE ROAD

THIS SIGN(S) POSTED ON

September 15, 2017

(MONTH, DAY, YEAR)

SINCERELY,

 9/15/17

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE: ROOM 205, JEFFERSON BUILDING 105
WEST LEEFARTE AVE., THOMSON 21209
DATE AND TIME: THURSDAY, OCTOBER 5, 2017 AT 10:00 A.M.
REQUEST: VARIANCE TO PERMIT AN EXISTING SHED
LOCATED IN THE SIDE YARD IN LINE OF THE REAR YARD
WITH A SETBACK OF 6'6" BLENDS TO THE CENTER
OF THE ALLYWAY IN LINE OF THE REQUIRED 15'6" SETBACK

10-10-68

DO NOT STAMP YOUR HANDS AND FEET WITH INK OR HEAVY MAKEUP. NO POLYMER GEL
NAIL DISHAPPED ACCESSIBLE

9/15/17

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 9/22/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-057

INFORMATION:

Property Address: 51 Burkshire Road
Petitioner: Dortzbach Family Care Trust
Zoning: DR 5.5
Requested Action: Variance

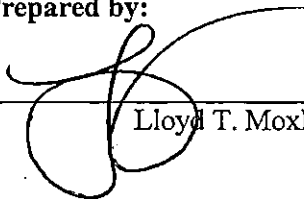
The Department of Planning has reviewed the petition for a variance to permit an existing shed to be located in the side yard with a setback of 5 foot 8 inches to the centerline of the alley in lieu of the required rear yard and 15 feet to the centerline of the alley respectively.

A site visit was conducted on August 31, 2017. The property is located within the boundaries of the Southeast Towson Community Plan and the Towson Community Plan adopted into the Master Plan 2020 in 1998 and 1992 respectively. The shed is currently existing on the property and is the subject of Violation Number CC1707927.

The Department does not support granting the petitioned zoning relief. The location of the accessory structure is counter to the established pattern of development within the neighborhood. The subject property is located immediately adjacent to an alley and adjoining park. The accessory structure at that location imposes into the public space.

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
Karl Dortzbach
Office of the Administrative Hearings
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

August 31, 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: 2018-0057-A

51 Burkshire Road

E/s Burkshire Road, 333.75 ft. +/- s/w to centerline of Burke Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Dortzbach Family Care Trust

Variance to permit an existing shed located in the side yard in lieu of the rear yard with a setback of 5 ft. 8 inches to the center of the alleyway in lieu of the required 15 ft.

Hearing: Thursday, October 5, 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".

Arnold Jablon
Director

AJ:kl

C: Karl Dortzbach, 2806 N. Calvert, Baltimore 21218

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 15, 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, September 14, 2017 Issue - Jeffersonian

Please forward billing to:
Karl Dortzbach
2806 N. Charles
Baltimore, MD 21218

443-570-3668

NOTICE OF ZONING HEARING

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CASE NUMBER: 2018-0057-A

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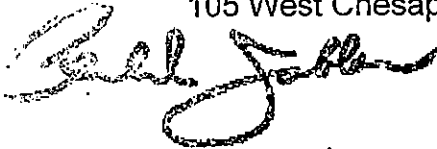
E/s Burkshire Road, 333.75 ft. +/- s/w to centerline of Burke Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Dortzbach Family Care Trust

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Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
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RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
51 Burkshire Road; E/S Burkshire Road,	*	OF ADMINSTRATIVE
333.75' SW of c/line with Burke Avenue	*	HEARINGS FOR
9 th Election & 5 th Councilmanic Districts	*	
Legal Owner(s): Dortzbach Family Care Trust	*	BALTIMORE COUNTY
By Karl Dortzbach	*	2018-057-A
Petitioner(s)	*	

* * * * *

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

AUG 28 2017

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 28th day of August, 2017, a copy of the foregoing Entry of Appearance was mailed to Karl Dortzbach, 2806 N. Calvert Street, Baltimore, Maryland 21218, Petitioner(s).

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Revised 7/9/2015

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

NO 157174

Date: 8/15/17

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	46	000		015				75.00

Total: 75.00

Rec From: Karl Dortzback

For: 51 Burkshire RD
2018-0057-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
8/21/2017 8/18/2017 11:24:14 1
REG 0501 INSL LIR
>>RECEIPT # 741426 8/18/2017 GFLR
Dept 5 528 ZONING VERIFICATION
CR NO. 157174
Receipt Tot 75.00
75.00 CR 1.00 CR
Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

September 28, 2017

Dortzbach Family Care Trust
Karl Dortzbach
2806 N Calvert Street
Baltimore MD 21218

RE: Case Number: 2018-0057 A, Address: 51 Burkshire Road

Dear Mr. Dortzbach:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 18, 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 style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 8/23/17

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

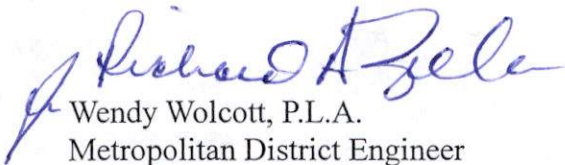
Dear Ms. Lewis:

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. 2018-0057-A

Variance
Dortzbach Family Cove Trust, Karl Dortzbach
51 Berkshire 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

10-5

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

RECEIVED

SEP 26 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

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

DATE: 9/22/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-057

INFORMATION:

Property Address: 51 Burkshire Road
Petitioner: Dortzbach Family Care Trust
Zoning: DR 5.5
Requested Action: Variance

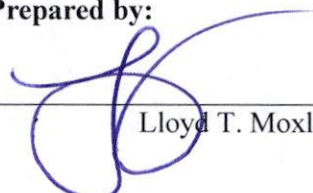
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For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
Karl Dortzbach
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: August 25, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0057-A
Address 51 Burkshire Road
(Dortzbach Family Care Trust
Property)

Zoning Advisory Committee Meeting of **August 28, 2017.**

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

Reviewer: Steve Ford Date: 8-25-2017

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: August 25, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0057-A
Address 51 Burkshire Road
(Dortzbach Family Care Trust
Property)

Zoning Advisory Committee Meeting of **August 28, 2017.**

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

Reviewer: Steve Ford Date: 8-25-2017

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>8/25</u>	DEPS (if not received, date e-mail sent _____)	<u>no comment</u>
_____	FIRE DEPARTMENT	_____
<u>8/24</u>	PLANNING (if not received, date e-mail sent _____)	<u>comment</u>
<u>8/23</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. <u>CC 1707927</u>)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>9/15/17</u> by <u>Agile</u>	
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 - 0918470420			
Owner Information					
Owner Name:	DORTZBACH FAMILY CARE TRUST		Use:	RESIDENTIAL NO	
Mailing Address:	2806 N CALVERT ST BALTIMORE MD 21218-		Principal Residence:	Deed Reference: /36940/ 00236	
Location & Structure Information					
Premises Address:	51 BURKSHIRE RD 0-0000		Legal Description:	51 BURKSHIRE RD BURKLEIGH SQUARE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0012/0088
0070	0014	0701		0000	11 2017
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area		Finished Basement Area	Property Land Area	County Use
1943	1,140 SF			2,340 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	END UNIT	BRICK	1 full/ 1 half	1 Detached
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2017	07/01/2017	07/01/2018	
Land:	80,000	80,000			
Improvements	85,500	100,200			
Total:	165,500	180,200	170,400	175,300	
Preferential Land:	0			0	
Transfer Information					
Seller: SIMON ROBERT B		Date: 12/02/2015		Price: \$189,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /36940/ 00236		Deed2:	
Seller: SIMON ROBERT B		Date: 08/03/2005		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /22302/ 00719		Deed2:	
Seller: ZINK W JAMES, JR		Date: 08/02/1991		Price: \$90,000	
Type: ARMS LENGTH IMPROVED		Deed1: /08873/ 00609		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:					

100 11-12-17

Case No.: 2018-0057-A

10/10/17
sen

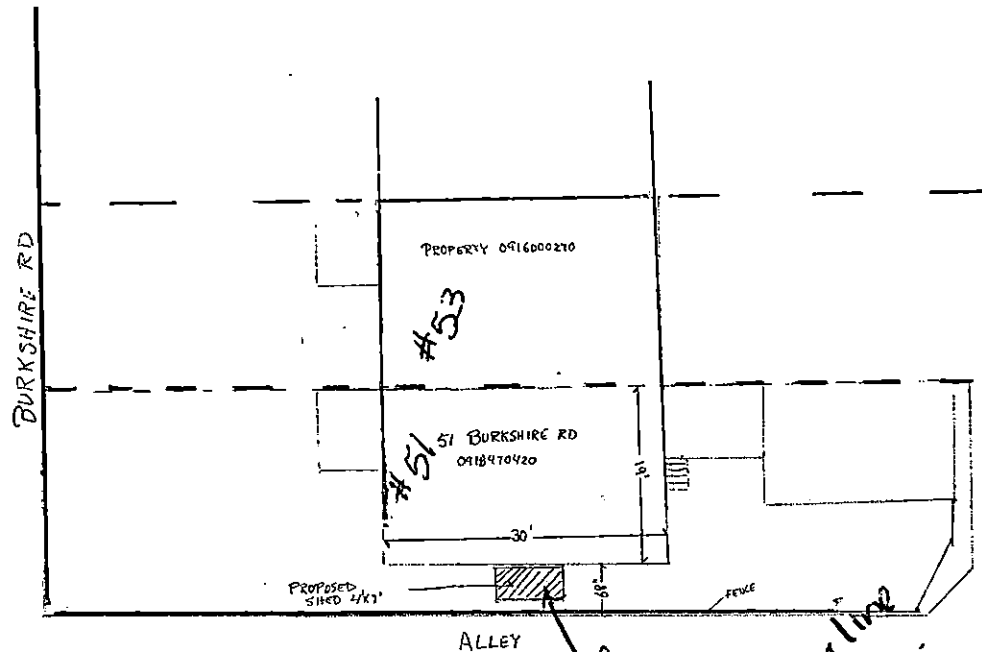
Exhibit Sheet

Petitioner/Developer

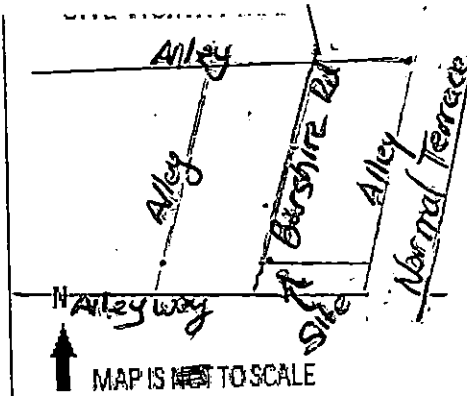
Protestant

No. 1	Plan	
No. 2	Letter - Burkleigh Comm. Assn. 10-4-17	
No. 3	Photos	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 51 BURKSHIRE RD OWNER(S) NAME(S) DORTZBACH FAMILY CARE TRUST
SUBDIVISION NAME BURKLEIGH SQUARE LOT # 11 BLOCK # NA SECTION # NA
PLAT BOOK # 12 FOLIO # 88 10 DIGIT TAX # 0918470420 DEED REF. # 36940/00236



PLAN DRAWN BY KARL DORTZBACH DATE 2 AUG 2017 SCALE: 1 INCH = 15 FEET



MAP IS NOT TO SCALE
ZONING MAP# 070A2
SITE ZONED DRSS
ELECTION DISTRICT 9th
COUNCIL DISTRICT 5th
LOT AREA ACREAGE _____
OR SQUARE FEET 2340 80 FT
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC X PRIVATE _____
SEWER IS:
PUBLIC X PRIVATE _____
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO:

CC1707927

2018-0057-A

Pet. No. 1

Burkleigh Square Community Association

P.O. Box 6713, Towson, MD 21285

October 4, 2017

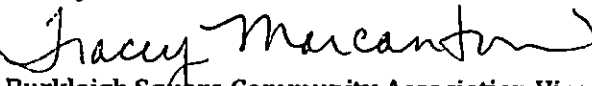
To Whom It May Concern:

I am writing in regards to case #2018-0057-A. As chairman of the Burkleigh Square Community Association, I would like to say that we have no objection to the current shed location on the property in our community at 51 Burkshire Rd. Other properties in the neighborhood have side sheds. Furthermore, it does not impose into the park physically, does not create a narrowing of the alley and the color blends into the surrounding environment. Therefore, we have no objection to the proposed zoning variance.

Sincerely,
Greg Bauer


Burkleigh Square Community Association Chair

Tracey Marcantoni


Burkleigh Square Community Association Vice Chair

Pet. No. 2



Pet. No. 3

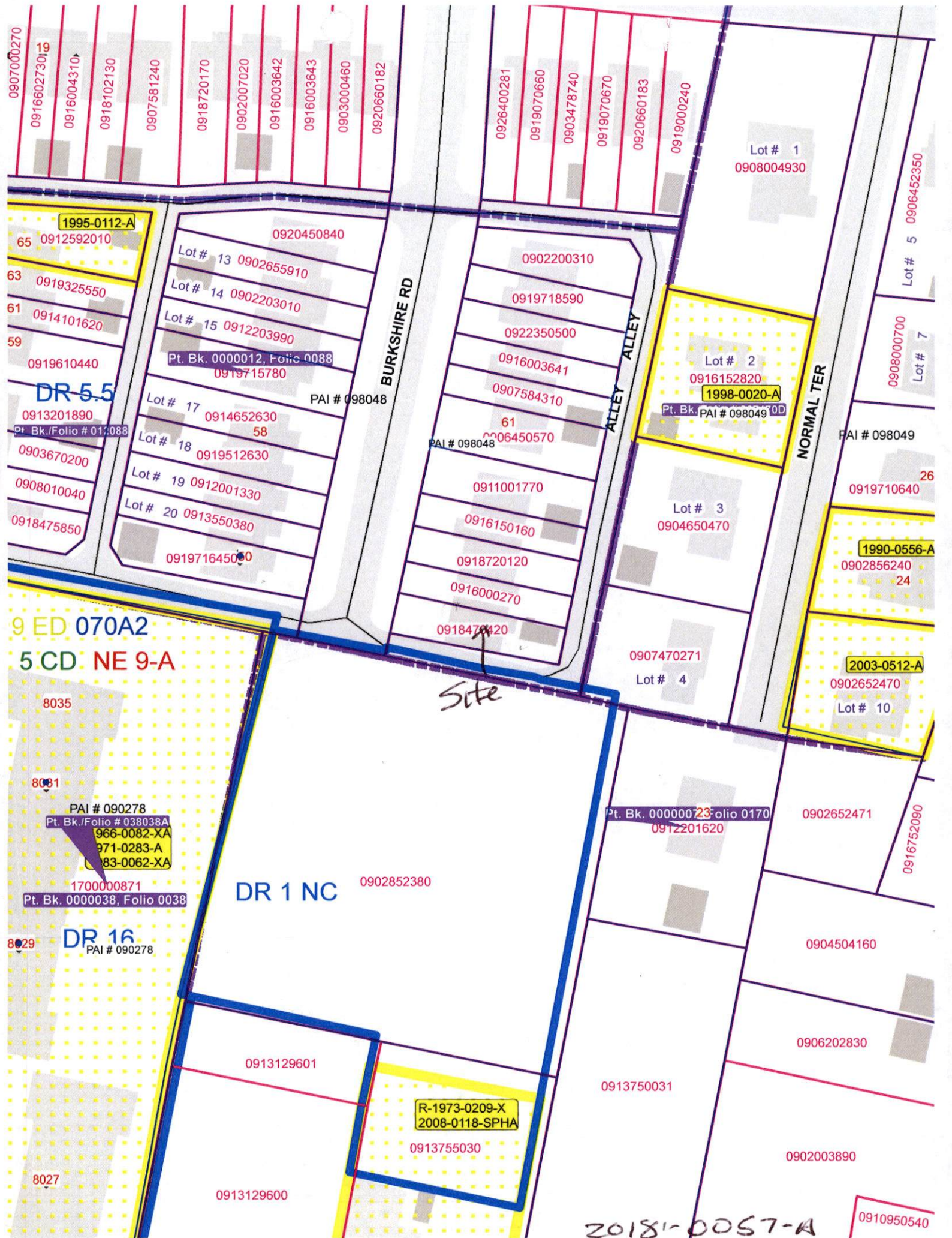




Front

2018-0057-A

Existing
Shed



0907000270
0916602730
0916004310
0918102130
0907581240
0918720170
0902007020
0916003642
0916003643
0903000460
0920660182

0926400281
0919070660
0903478740
0919070670
0920660183
0919000240

Lot # 1
0908004930

Lot # 5
0906452350

1995-0112-A
65 0912592010
63 0919325550
61 0914101620
59 0919610440
DR 5-5
0913201890
Pt. Bk./Folio # 012.088
0903670200
0908010040
0918475850

0920450840
Lot # 13 0902655910
Lot # 14 0902203010
Lot # 15 0912203990
Pt. Bk. 0000012, Folio 0088
0919715780
PAI # 098048
Lot # 17 0914652630
58
Lot # 18 0919512630
Lot # 19 0912001330
Lot # 20 0913550380
091971645000

BURKSHIRE RD

ALLEY

NORMAL TER

0902200310
0919718590
0922350500
0916003641
0907584310
61
0906450570
PAI # 098048
0911001770
0916150160
0918720120
0916000270
0918470420

Lot # 2
0916152820
1998-0020-A
Pt. Bk. PAI # 098049
0908000700
Lot # 7

FAI # 098049

26
0919710640

1990-0556-A
0902856240
24

2003-0512-A
0902652470
Lot # 10

0907470271
Lot # 4

9 ED 070A2
5 CD NE 9-A

8035
8031
PAI # 090278
Pt. Bk./Folio # 038038A
966-0082-XA
971-0283-A
83-0062-XA
1700000871
Pt. Bk. 0000038, Folio 0038

DR 1 NC
0902852380

8029
DR 16
PAI # 090278

Pt. Bk. 00000023, Folio 0170
0912201620

0902652471

0904504160

0906202830

0913750031

0902003890

0913129600

R-1973-0209-X
2008-0118-SPHA
0913755030

0913129601

8027

2018-0057-A

0910950540

Real Property Data Search (w3)

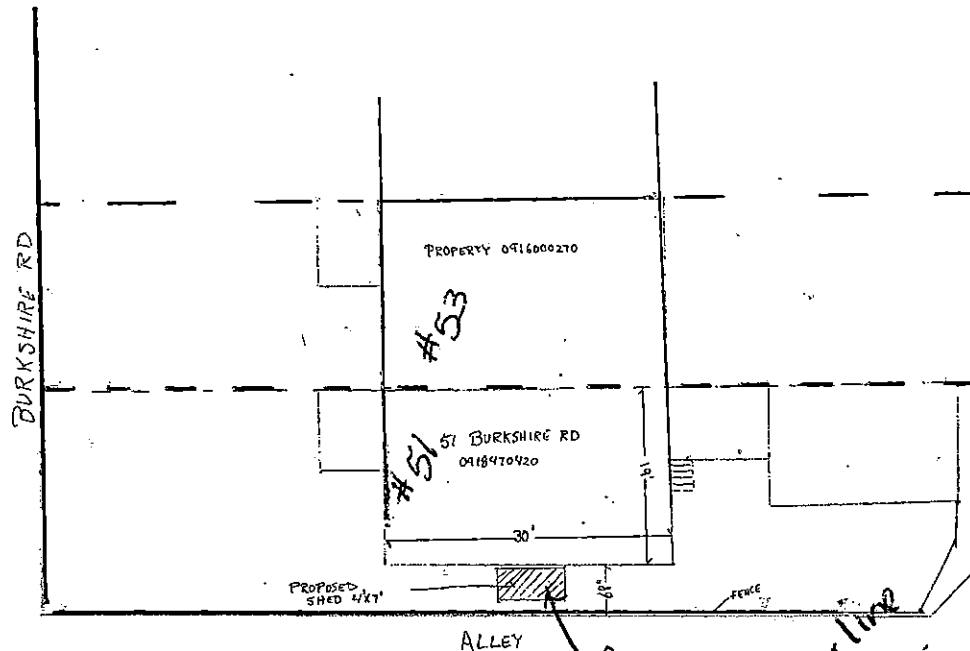
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0918470420			
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Homeowners' Tax Credit Application Status: No Application				Date:	

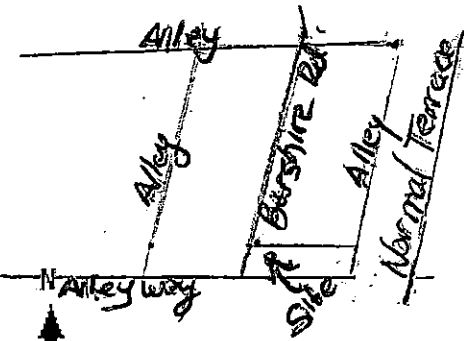
2018-0057-A

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

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