M E M O R A N D U M

DATE: October 30, 2018

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2019-0016-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 29, 2018. 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

/dlw

IN RE: PETITION FOR VARIANCE (12500 Jerusalem Road) 11th Election District 5th Council District Kurt Heydt *Legal Owner* Petitioner	* * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2019-0016-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Kurt Heydt, the legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from §1A04.3.B.2.b of the Baltimore County Zoning Regulations ("BCZR") to permit an addition with the setbacks of 25.3 ± ft. and 29.5 ± ft. in lieu of the required 50.0 ft. from any lot line, respectively, and to amend the "Final Development Plan re-subdivision of Lot No. 1 Burman Property" for Lot 1A only. A site plan was marked as Petitioner's Exhibit 1.

Professional engineer John Motsco and Kurt Heydt appeared in support of the petition. Howard L. Alderman, Jr., Esq. represented Petitioner. The adjoining neighbors attended the hearing and advised they have entered into an agreement with the Petitioner concerning the proposed addition, a point discussed below. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP") and the Department of Environmental Protection and Sustainability ("DEPS"). Neither agency opposed the request.

The site is approximately 1.243 acres in size and zoned RC-5. The property is improved with a 2 ½ story dwelling constructed in 1993. Petitioner proposes to construct a 2-story addition

(25' x 30') to his home, although variance relief is required before he can do so. Petitioner made a similar request earlier this year, and the adjoining neighbors opposed the variance in that case. *See* Case No. 2018-0106-A. Since that time Petitioner redesigned the project and met with his neighbors to discuss the current request. The parties reached an agreement (marked and admitted as Petitioner's Ex. 4) which specifies certain design requirements for the addition, and they have asked that it be incorporated into this order.

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).

The property has irregular dimensions and the building envelope is constrained by the location of the well and septic reserve area. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to construct the proposed addition. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this **28** day of **September, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 1A04.3.B.2.b of the BCZR to permit an addition with setbacks of 25.3 ± ft. and 29.5 ± ft. in lieu of the required 50.0 ft. from any lot line, respectively, and to amend the "Final Development Plan re-subdivision of Lot No. 1 Burman Property" for Lot 1A only, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 9/28/18

By DLD

The relief granted herein shall be subject to the following:

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

2. The agreement attached hereto (marked as Petitioner's Exhibit No. 4) shall be expressly incorporated herein, the intent being that the terms of the agreement shall be enforceable by Baltimore County. See *Blakehurst Life Care v. Baltimore County,* 146 Md. App. 509 (2002).

3. Prior to issuance of permit(s) Petitioner must comply with the ZAC comment submitted by DEPS, a copy of which is attached hereto.

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 9/28/18
By sln

ZONING PE[illegible]ION

FOR [illegible] VARIANCE – OR – [illegible]

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 12500 JERUSALEM ROAD **Currently zoned** RC 5 & RC 7

Deed Reference 20462 / 589 10 Digit Tax Account # 2 2 0 0 0 1 4 0 2 0

Owner(s) Printed Name(s) KURT HEYDT

(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 **VARIANCE** from Section(s)

SEE ATTACHMENT #1.

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):

KURT HEYDT / _____

Name #1 – Type or Print / Name # 2 – Type or Print

Signature #1 / Signature # 2

12500 JERUSALEM ROAD KINGSVILLE MD

Mailing Address City State

21087 / (410) 977-7622 / kuheydt@comintcon.com

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

ORDER RECEIVED FOR FILING
Date 9/28/18
By DEN

Representative to be contacted:

LITTLE & ASSOCIATES, INC., JOHN MOTSCO

Name – Type or Print

Signature

1055 TAYLOR AVENUE
SUITE 307 TOWSON MD

Mailing Address City State

21286 / (410) 296-1636 / johnm@littleassociates.com

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 _____day of _____, _____ 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 2019-0016-A **Filing Date** 7/17/2018 **Estimated Posting Date** 7/29/18 **Reviewer** [illegible]

Rev 5/5/2016

ATTACHMENT #1
REQUESTED RELIEF

I. VARIANCES FROM BCZR§ 1A04.3 AS FOLLOWS:

"A" VARIANCE FROM BCZR§ 1A04.3.B.2.b TO PERMIT AN ADDITION WITH THE SETBACKS OF 25.3± FEET AND 29.5± FEET IN LIEU OF THE REQUIRED 50.0 FEET FROM ANY LOT LINE, RESPECTIVELY, AND TO AMEND THE "FINAL DEVELOPMENT PLAN RESUBDIVISION OF LOT NO. 1 BURMAN PROPERTY" FOR LOT 1A ONLY; AND

"B" ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

ATTACHMENT #2

The owner of the property, which is the owner's primary residence, wishes to construct a two story addition to be located west of the existing 2 ½ story dwelling. The proposed addition is to be connected to the existing dwelling via covered functional breezeway. The addition will provide extra garage and storage space for the owner.

Many of the owner's neighbors have structures that provide extra storage or garage space. The proposed two story addition is proposed on the western portion of the owner's property because the existing drive currently extends toward that area of the property. This is the simplest scenario for the extension of the drive to the addition. Further, wherever the two story proposed addition is located on the property, the 50 feet yard setbacks in combination with well and septic area setbacks will require the owner to seek relief of at least one of these required setbacks. The owner of the property will conform to a 25.3± feet setback from the southwestern property line from the side of the addition, as well as a 29.5± feet setback from the western property line from the rear of the addition. The proposed two story addition would not be a danger to public health, safety or the general welfare of the community, nor would it conflict with the spirit and intent of the BCZR.

Affidavit in Support of [illegible]

(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: 12500 JERUSALEM ROAD	KINGSVILLE	MD	21087
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)**

SEE ATTACHMENT #2.

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

Kurt Heydt

Signature of Owner (Affiant) | Signature of Owner (Affiant)

KURT HEYDT

Name- Print or Type | 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_____ day of _____, _____, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: _____

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

AS WITNESS my hand and Notaries Seal

Jessica Stapf

Notary Public

10/4/2021

My Commission Expires

JESSICA L STAPF
NOTARY PUBLIC
HARFORD COUNTY
MARYLAND
MY COMMISSION EXPIRES OCT. 4, 2021

REV. 5/5/2016

2019-0016-A

July 16, 2018

ZONING DESCRIPTION FOR
#12500 JERUSALEM ROAD

Beginning at a point on the north side of Jerusalem Road, which is proposed to be 60 feet wide, at the distance of 2,140 feet northeast of the centerline of Glenbauer Road, which is 50 feet wide. Being Lot #1A in the subdivision Burman Property as recorded in Baltimore County Plat Book S.M. 65, Folio 32, containing 1.243 acres of land, more or less. Located in the Eleventh Election District and Fifth Council District.

2019-0016-A

CERTIFICATE OF POSTING

Date: 9-6-18

RE: Case Number: 2019-0016-A

Petitioner/Developer: Heydt

Date of Hearing/Closing: 9-27-18 11AM

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 12500 Jerusalem Rd

The signs(s) were posted on 9-6-18
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

The Daily Record
11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
http://www.thedailyrecord.com

Order #: 11612682
Case #: 2019-0016-A
Description:

NOTICE OF ZONING HEARING CASE NUMBER: 2019-0016-A

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

9/7/2018

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0016-A
12600 Jerusalem Road
N/s Jerusalem Road, n/e of Glenbauer Road
11th Election District - 5th Councilmanic District
Legal Owners: Kurt Heydt

Variance to permit an addition with the setbacks of 25.3 ft. +/- and 29.5 ft. +/- in lieu of the required 50.0 ft. from any lot line, respectively; and to amend the "Final Development Plan re-subdivision of Lot NO.1 Burman Property" for Lot 1A only; any additional relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Thursday, September 27, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

s7

DB 9/27 11Am

Debra Wiley

From: Larry Pilson <lpilson@hotmail.com>
Sent: Monday, September 24, 2018 12:21 PM
To: Administrative Hearings; June Wisnom; Chris Prescop
Subject: 2019-0016-A Recert
Attachments: Jerusalem Recert.pdf; DSC_0546.JPG; DSC_0547.JPG

RECEIVED
SEP 2 4 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

Date: 9-24-18

RE: Case Number: 2019-0016-A RECERT

Petitioner/Developer: Heydt

Date of Hearing/Closing: Sept 27, 2018 11AM

RECEIVED
SEP 24 2018
OFFICE OF ADMINISTRATIVE HEARINGS

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 12500 Jerusalem Rd

The signs(s) were posted on Recert 9-24-18
(Month, Day, Year)

J Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

#1

ZONING NOTICE

CASE # 2019-0016-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: THURS. SEPT 27, 2018 11 AM

REQUEST: VARIANCE TO PERMIT AN ADDITION WITH THE SETBACKS OF 25.3 FT +/- AND 29.5 FT. +/- IN LIEU OF THE REQUIRED 50 FT. FROM ANY LOT LINE, RESPECTIVELY; AND TO AMEND THE "FINAL DEVELOPMENT PLAN RESUBDIVISION OF LOT NO. 1 BURMAN PROPERTY" FOR LOT 1A ONLY; ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE

RECEIVED
SEP 24 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

RECEIVED
SEP 2
OFFI
ADMINISTRAT

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

#2

ZONING NOTICE

CASE # 2019-0016-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: THURS. SEPT. 27, 2018 11 AM

REQUEST: VARIANCE TO PERMIT AN ADDITION WITH THE SETBACKS OF 25.3 FT. +/- AND 29.5 FT +/- IN LIEU OF THE REQUIRED 50 FT. FROM ANY LOT LINE, RESPECTIVELY; AND TO AMEND THE FINAL DEVELOPMENT PLAN RESUBDIVISION OF LOT NO. 1 "BURMAN PROPERTY" FOR LOT 1A ONLY; ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE

RECEIVED
SEP 24 2018
OFFICE OF ADMINISTRATIVE HEARINGS

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW


#2
ZONING NOTICE
CASE # 2019-0016-A
A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD
PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE TOWSON 21204
DATE AND TIME: THURS SEPT 27, 2018 11 AM
REQUEST: VARIANCE TO PERMIT AN ADDITION WITH THE SETBACKS OF 25.3 FT +/- AND 29.5 FT +/- IN LIEU OF THE REQUIRED 50 FT FROM ANY LOT LINE, RESPECTIVELY, AND TO AMEND THE FINAL DEVELOPMENT PLAN RESUBDIVISION OF LOT NO.1 BURMAN PROPERTY" FOR LOT 1A ONLY; ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE
POSTPONEMENTS DUE TO WEATHER OR OTH CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEA CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

#1

ZONING NOTICE

CASE # 2019-0016-A

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

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: THURS. SEPT 27, 2018 11 AM

REQUEST: VARIANCE TO PERMIT AN ADDITION WITH THE SETBACKS OF 25.3 FT +/- AND 29.5 FT. +/- IN LIEU OF THE REQUIRED 50 FT. FROM ANY LOT LINE, RESPECTIVELY; AND TO AMEND THE FINAL DEVELOPMENT PLAN RESUBDIVISION OF LOT NO. 1 BURMAN PROPERTY" FOR LOT 1A ONLY; ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE

POSTPONEMENTS DUE TO WEATHER OR OTHER CIRCUMSTANCES
TO CONFIRM [illegible]

DO NOT REMOVE THIS [illegible]

DONALD I. MOHLER III
County Executive

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

August 27, 2018

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: 2019-0016-A
12500 Jerusalem Road
N/s Jerusalem Road, n/e of Glenbauer Road
11th Election District – 5th Councilmanic District
Legal Owners: Kurt Heydt

Variance to permit an addition with the setbacks of 25.3 ft. +/- and 29.5 ft. +/- in lieu of the required 50.0 ft. from any lot line, respectively; and to amend the "Final Development Plan re-subdivision of Lot No. 1 Burman Property" for Lot 1A only; any additional relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Thursday, September 27, 2018 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Kurt Heydt, 12500 Jerusalem Road, Kingsville 21087
Little & Associates, John Motsco, 1055 Taylor Avenue, Ste. 307, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 7, 2018.**
(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: THE DAILY RECORD
Friday, September 7, 2018 Issue

Please forward billing to:
Kurt Heydt 410-977-7622
12500 Jerusalem Road
Kingsville, MD 21087

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: 2019-0016-A
12500 Jerusalem Road
N/s Jerusalem Road, n/e of Glenbauer Road
11th Election District – 5th Councilmanic District
Legal Owners: Kurt Heydt

Variance to permit an addition with the setbacks of 25.3 ft. +/- and 29.5 ft. +/- in lieu of the required 50.0 ft. from any lot line, respectively; and to amend the "Final Development Plan re-subdivision of Lot No. 1 Burman Property" for Lot 1A only; any additional relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Thursday, September 27, 2018 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR VARIANCE 12500 Jerusalem Road; N/S Jerusalem Road, 2140' NE of Glenbauer Road 11th Election & 5th Councilmanic Districts Legal Owner(s): Kurt Heydt Petitioner(s)	* * * * * *	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2019-016-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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of August, 2018, a copy of the foregoing Entry of Appearance was mailed to Little & Associates, Inc, 1055 Taylor Avenue, Suite 307, Towson, Maryland 21286, Representative for 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 fifteen (15) 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: 2019-0016-A

Property Address: 12500 JERUSALEM ROAD KINGSVILLE MD 21087

Property Description: LOT 1A OF THE SUBDIVISION OF BURMAN PROPERTY

Legal Owners (Petitioners): KURT HEYDT

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: KURT HEYDT

Company/Firm (if applicable): N/A

Address: 12500 JERUSALEM ROAD
KINGSVILLE, MD 21087

Telephone Number: (410) 977-7622

Revised 5/20/2014

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

No. 171784

Date 7/17/18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				150.00
						Total		150.00

Rec From

For 12500 Jerusalem Rd

2019-0016-A

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
7/17/2018	7/17/2018	07:38:13	2

WALK-IN JEE
RECEIPT # 055721 7/17/2018 OFLP
5 -526 ZONING VERIFICATION
ID. 171784
Recpt Tot $150.00
$150.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

DONALD I. MOHLER III
County Executive

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

September 19, 2018

Kurt Heydt
12500 Jerusalem Road
Kingsville MD 21087

RE: Case Number: 2019-0016 A, Address: 12500 Jerusalem Road

Dear Mr. Heydt:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 17, 2018. This letter is not an approval, but only a **NOTIFICATION.**

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Little & Associates Inc., John Motsco, 1055 Taylor Avenue, Suite 307, Towson MD 21286

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

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

Date: 8/13/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2019-0016-A
Variance
Kurt Heydt
12500 Jerusalem 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: September 5, 2018

VKD

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 20, 2018
Item No. 2019-0016-A, 0022, 0023-SPH, 0029-A, 0038-A, 0039-A, 0040-A and 0042-SPHA

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: August 10, 2018

VKD

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 30, 2018
Item No. 2019-0012-SPHA, 0013-A, 0014-A, 0015-A, 0016-A, 0017-A, 0018-A, 0019-A and 0020-A

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

* * * * *

VKD: cen
cc: file

9-27

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
AUG 15 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

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 15, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0016-A
Address 12500 Jerusalem Road
(Heydt Property)

Zoning Advisory Committee Meeting of **August 20, 2018**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Ground Water Management must review proposed building permits for addition(s), since the property is served by well and septic.

Reviewer: Dan Esser

ORDER RECEIVED FOR FILING
Date 9/28/18
By DEn

C:\Users\dwiley\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\DXWB6LKP\ZAC 19-0016-A 12500 Jerusalem Road.doc

9-27

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 9/7/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED
SEP 11 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-016

INFORMATION:
Property Address: 12500 Jerusalem Road
Petitioner: Kurt Heydt
Zoning: RC 5 & RC 7
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit an existing single family dwelling with addition to have setbacks of 25.3' and 29.5' feet more or less in lieu of the required 50' from any lot line, respectively, and to amend the "final development plan re-subdivision of lot No. 1 Burman Property" for Lot 1a only.

The Department has no objection to granting the petitioned zoning relief.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

AVA/JGN/LTM/

c: Joseph Wiley
John Motsco, Little & Associates, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

s:\planning\dev rev\zac\zacs 2019\19-016.docx

4-27

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
AUG 15 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

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 15, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0016-A
Address 12500 Jerusalem Road
(Heydt Property)

Zoning Advisory Committee Meeting of **August 20, 2018**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

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Reviewer: Dan Esser

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8-13

RECEIVED
JUL 25 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

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 25, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0016-A
Address 12500 Jeruselem Road
(Heydt Property)

Zoning Advisory Committee Meeting of **July 30, 2018**.

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

Reviewer: Steve Ford

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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 9/7/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-016

INFORMATION:
Property Address: 12500 Jerusalem Road
Petitioner: Kurt Heydt
Zoning: RC 5 & RC 7
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit an existing single family dwelling with addition to have setbacks of 25.3' and 29.5' feet more or less in lieu of the required 50' from any lot line, respectively, and to amend the "final development plan re-subdivision of lot No. 1 Burman Property" for Lot 1a only.

The Department has no objection to granting the petitioned zoning relief.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Jennifer G. Nugent

AVA/JGN/LTM/

c: Joseph Wiley
John Motsco, Little & Associates, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

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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 15, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0016-A
Address 12500 Jerusalem Road
(Heydt Property)

Zoning Advisory Committee Meeting of **August 20, 2018**.

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Reviewer: Dan Esser

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: July 25, 2018

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Address 12500 Jeruselem Road
(Heydt Property)

Zoning Advisory Committee Meeting of **July 30, 2018**.

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

Reviewer: Steve Ford

C:\Users\jwisnom\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\XEGA1Q0V\ZAC 19-0016-A 12500 Jeruselem Road.doc

IN RE: PETITION FOR VARIANCE (12500 Jerusalem Road) 11th Election District 5th Council District Kurt Heydt Petitioner	* * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2018-0106-A**

* * * * * * *

OPINION AND ORDER

This matter (which originated as a petition for an administrative variance) comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed on behalf of Kurt Heydt, the legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) To permit an addition with the setbacks of 12.3 ft. +/- and 32.0 ft. +/- in lieu of the required 50.0 ft. from any lot line, respectively; and to amend the "Final Development Plan Re-subdivision of Lot No. 1, Burman Property" for Lot 1A only; and (2) Any additional relief as may be deemed necessary by the Administrative Law Judge ("ALJ"). A site plan was marked as Petitioner's Exhibit 1.

This matter was originally filed as an Administrative Variance, with a closing date of November 6, 2017. On October 30, 2017, Brian and Donna Radcliffe who live at 12448 Jerusalem Road requested a hearing. The hearing was held on Tuesday, January 16, 2018 at 1:30 PM in Room 104 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations.

Property owner Kurt Heydt and professional engineer John Motsco appeared in support of the petition. Adjacent neighbors Brian and Donna Radcliffe attended the hearing in opposition. The Petition was advertised and posted as required by the B.C.Z.R. There were no adverse Zoning Advisory Committee ("ZAC") comments received by any of the County reviewing agencies; however, the Department of Planning ("DOP") noted that the proposed addition was for garage and storage space and should not be used as a residence or for commercial purposes.

The site is approximately 1.243 acres in size and zoned RC 5. The property is improved with a 2 ½ story dwelling. Petitioner explained he has lived at the property for nearly 20 years, and now needs additional space to store vehicles and household items. Petitioner stated the two-story addition would have an unfinished first floor, with an internal stairway which would access a second floor storage space.

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).

The property has an irregular shape and the dwelling is skewed on the lot. As such, the property is arguable unique. But at the same time, the proposed addition could have a negative impact upon the neighbors at 12448 Jerusalem Road. In this regard, Mr. Radcliffe's point is a valid one: the proposed two-story structure (30'x 30') would be 1,800 square feet in size and just 12 ft. from the property boundary. The addition would be as large as some single-family dwellings and the setback would barely satisfy the requirements for yard setbacks in residential zones. Of course this is an RC zone, and the proposed 12 ft. setback is less than 25% of the buffer required. B.C.Z.R.

§1A04.3.

As discussed at the hearing, the Petitioner may choose to construct the proposed addition in a different location, which may or may not require a variance. Should he decide to do so I would not want him to be precluded by *res judicata* from seeking zoning relief at a later date, if that was required. As such, rather than deny the variance requested herein, the Petition will be dismissed without prejudice.

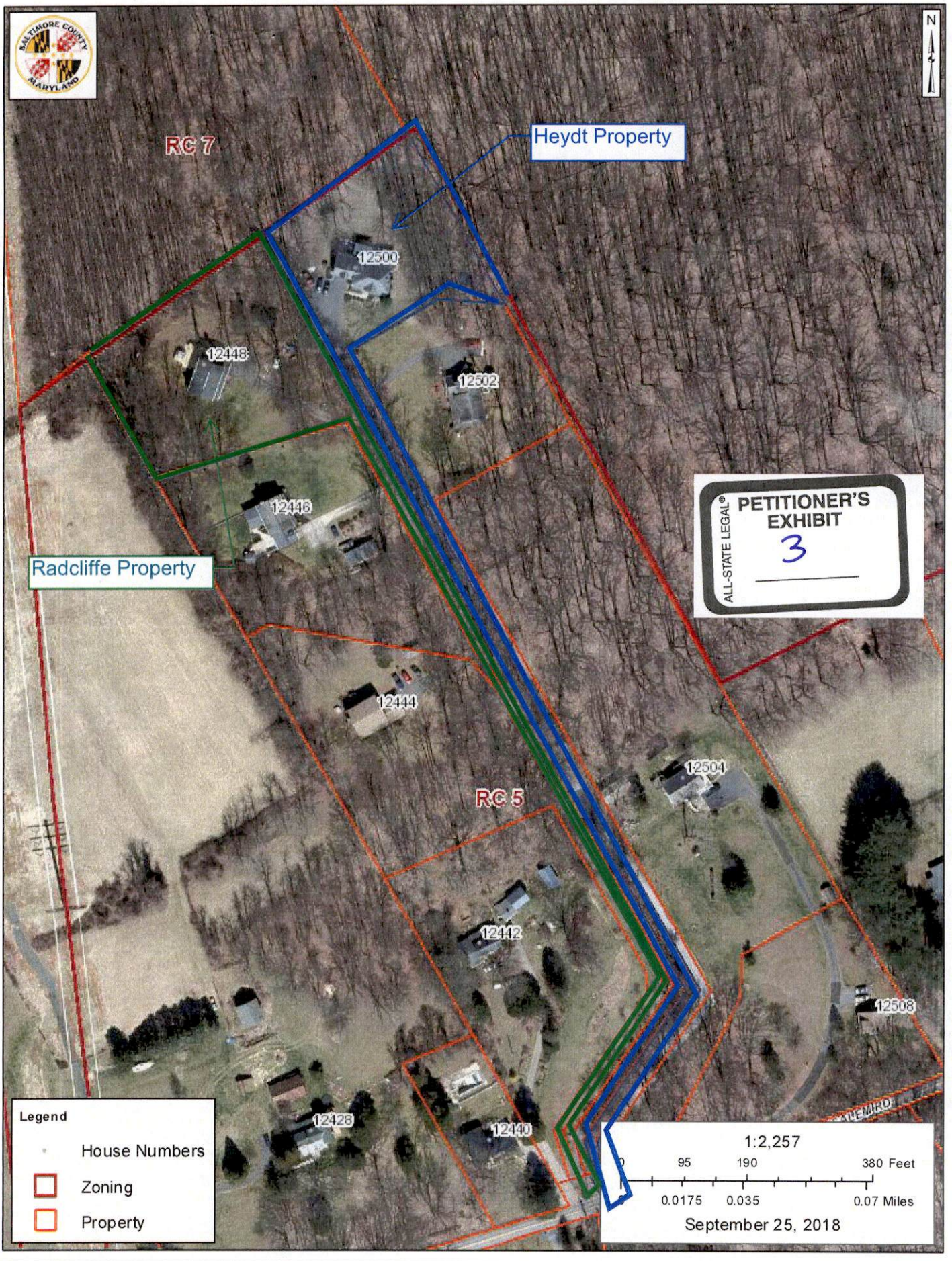
THEREFORE, IT IS ORDERED this **18th** day of **January, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R"), to permit an addition with setbacks of 12.3 ft. +/- and 32.0 ft. +/- in lieu of the required 50.0 ft. from any lot line, respectively; and to amend the "Final Development Plan Re-subdivision of Lot No. 1, Burman Property" for Lot 1A only, be and is hereby DISMISSED without prejudice.

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

Heydt Property



AGREEMENT

THIS AGREEMENT is made this 27TH day of SEPTEMBER, 2018 (this "**Agreement**") by and between **KURT HEYDT** (hereinafter referred to as "**Heydt**"), and **BRIAN E. RADCLIFFE and DONNA J. RADCLIFFE, husband and wife** (hereinafter collectively referred to as "**Radcliffe**").

WHEREAS, Heydt is the owner of property known as No. 12500 Jerusalem Road, Kingsville, Maryland 21087, and has unsuccessfully applied to Baltimore County, Maryland, for a variance to erect a garage building on his property; and

WHEREAS, Heydt wishes to reapply for such variance to construct a garage on his property as shown on the exhibit prepared by Little & Associates, Inc. and dated June 12, 2018 (attached hereto and incorporated herein as "**Exhibit 'A'**"), and Radcliffe has agreed not to oppose, directly or indirectly, such variance relief request (the "variance relief"), docketed as Case No. 2019-0032-A and pending before the Administrative Law Judge for Baltimore County ("**ALJ**"), provided Heydt agrees to the following:

1. Heydt, or his agents, will construct a 25' x 30' two-story addition on the left side of his existing home as shown on Exhibit A hereto. The first floor will be a two-car garage and level two will be a room over the garage. This addition will be attached to the main house by a five-foot wide covered porch.

2. Such addition shall not have any windows or doors on the "Radcliffe" side of the garage on either the first or second floors. Such addition shall not have any light fixtures on the Radcliffe's side of the garage, either on the first or second floor.

3. Heydt, or his agents, will engage WSG Services at Heydt's expense to plant four (4) Leyland Cypress trees, each six (6) feet in height, as shown on the attached Exhibit A, on or before October 31, 2018, weather conditions permitting. In the event weather conditions do not permit planting by October 31, 2018, the planting shall occur immediately upon the start of the spring planting season. During the first two (2) years following planting of said trees, WSG Services, at Heydt's sole cost and expense, will replace any of the planted Leyland Cypress trees that do not take root or die.

4. There shall be no exterior steps to the second floor of the garage that would be visible to the Radcliffe property.

5. In the event the ALJ does not approve the variance relief requested by Heydt, consistent with Exhibit A hereto, this Agreement shall automatically become null and void, of no further force or effect and unenforceable by any party hereto.

6. If the variance relief requested by Heydt, consistent with Exhibit A hereto, is approved by the ALJ, the parties hereto agree that enumerated paragraphs 1 though and including 4 above shall be incorporated into the final order of the ALJ as conditions on the approval.

7. In the event Heydt or Radcliffe violate any terms or conditions of this Agreement, the non-violating party shall have the right to seek enforcement in a Court of law against the alleged

violating party. In any such action filed in Court, the prevailing party shall be entitled to recover the actual costs of enforcement, including reasonable attorney's fees, as the same may be awarded by a Court of competent jurisdiction.

8. The terms, conditions and restrictions of this Agreement shall run with the Property and shall be binding upon all parties and their respective heirs, personal representatives, successors and assigns.

Both Heydt and Radcliffe agree not to require their respective mortgagees to join in this Agreement, which shall be binding on the parties hereto so long as each party owns their respective properties.

AS WITNESS, the hands and seals of the parties hereto.

WITNESS: **Heydt:**

_____ _____(SEAL)
KURT HEYDT

Radcliffe:

_____ _____(SEAL)
BRIAN E. RADCLIFFE

_____ _____(SEAL)
DONNA J. RADCLIFFE

STATE OF MARYLAND, COUNTY OF HARFORD **, TO WIT:**

I HEREBY CERTIFY, that on this 27 day of SEPTEMBER, 2018, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared KURT HEYDT, known, or satisfactorily proven to me, to be one of the persons whose names are subscribed to the within Agreement, and acknowledged the foregoing to be his act and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

_____
Notary Public

My Commission Expires: 10/04/2021

JESSICA L STAPF
NOTARY PUBLIC
HARFORD COUNTY
MARYLAND
MY COMMISSION EXPIRES OCT. 4, 2021

STATE OF MARYLAND, COUNTY OF HARFORD **, TO WIT:**

I HEREBY CERTIFY, that on this 27 day of SEPTEMBER, 2018, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared BRIAN E. RADCLIFFE and DONNA J. RADCLIFFE, known, or satisfactorily proven to me, to be two of the persons whose names are subscribed to the within Agreement, and acknowledged the foregoing to be their act and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

Jessica Stapf
Notary Public

My Commission Expires: 10/04/2021

JESSICA L STAPF
NOTARY PUBLIC
HARFORD COUNTY
MARYLAND
MY COMMISSION EXPIRES OCT. 4, 2021

RECORD & RETURN TO:
Kurt Heydt
12500 Jerusalem Road
Kingsville, MD 21087

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 9/7/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-016

INFORMATION:
Property Address: 12500 Jerusalem Road
Petitioner: Kurt Heydt
Zoning: RC 5 & RC 7
Requested Action: Variance

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The Department has no objection to granting the petitioned zoning relief.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

AVA/JGN/LTM/

c: Joseph Wiley
John Motsco, Little & Associates, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

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ALL-STATE LEGAL®
PETITIONER'S EXHIBIT
5

AGREEMENT

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7. In the event Heydt or Radcliffe violate any terms or conditions of this Agreement, the non-violating party shall have the right to seek enforcement in a Court of law against the alleged

ORDER RECEIVED FOR FILING
Date 9/28/18
By DEN

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PETITIONER'S EXHIBIT
4

violating party. In any such action filed in Court, the prevailing party shall be entitled to recover the actual costs of enforcement, including reasonable attorney's fees, as the same may be awarded by a Court of competent jurisdiction.

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AS WITNESS, the hands and seals of the parties hereto.

WITNESS:

Heydt:

_____ _____(SEAL)
KURT HEYDT

Radcliffe:

_____ _____(SEAL)
BRIAN E. RADCLIFFE

_____ _____(SEAL)
DONNA J. RADCLIFFE

STATE OF MARYLAND, COUNTY OF HARFORD **, TO WIT:**

I HEREBY CERTIFY, that on this 27 day of SEPTEMBER, 2018, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared KURT HEYDT, known, or satisfactorily proven to me, to be one of the persons whose names are subscribed to the within Agreement, and acknowledged the foregoing to be his act and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

_____
Notary Public

My Commission Expires: 10/04/2021

JESSICA L STAPF
NOTARY PUBLIC
HARFORD COUNTY
MARYLAND
MY COMMISSION EXPIRES OCT. 4, 2021

ORDER RECEIVED FOR FILING
Date 9/28/18
By

STATE OF MARYLAND, COUNTY OF HARFORD **, TO WIT:**

I HEREBY CERTIFY, that on this 27 day of SEPTEMBER, 2018, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared BRIAN E. RADCLIFFE and DONNA J. RADCLIFFE, known, or satisfactorily proven to me, to be two of the persons whose names are subscribed to the within Agreement, and acknowledged the foregoing to be their act and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal.

Jessica Stapf
Notary Public

My Commission Expires: 10/04/2021

JESSICA L STAPF
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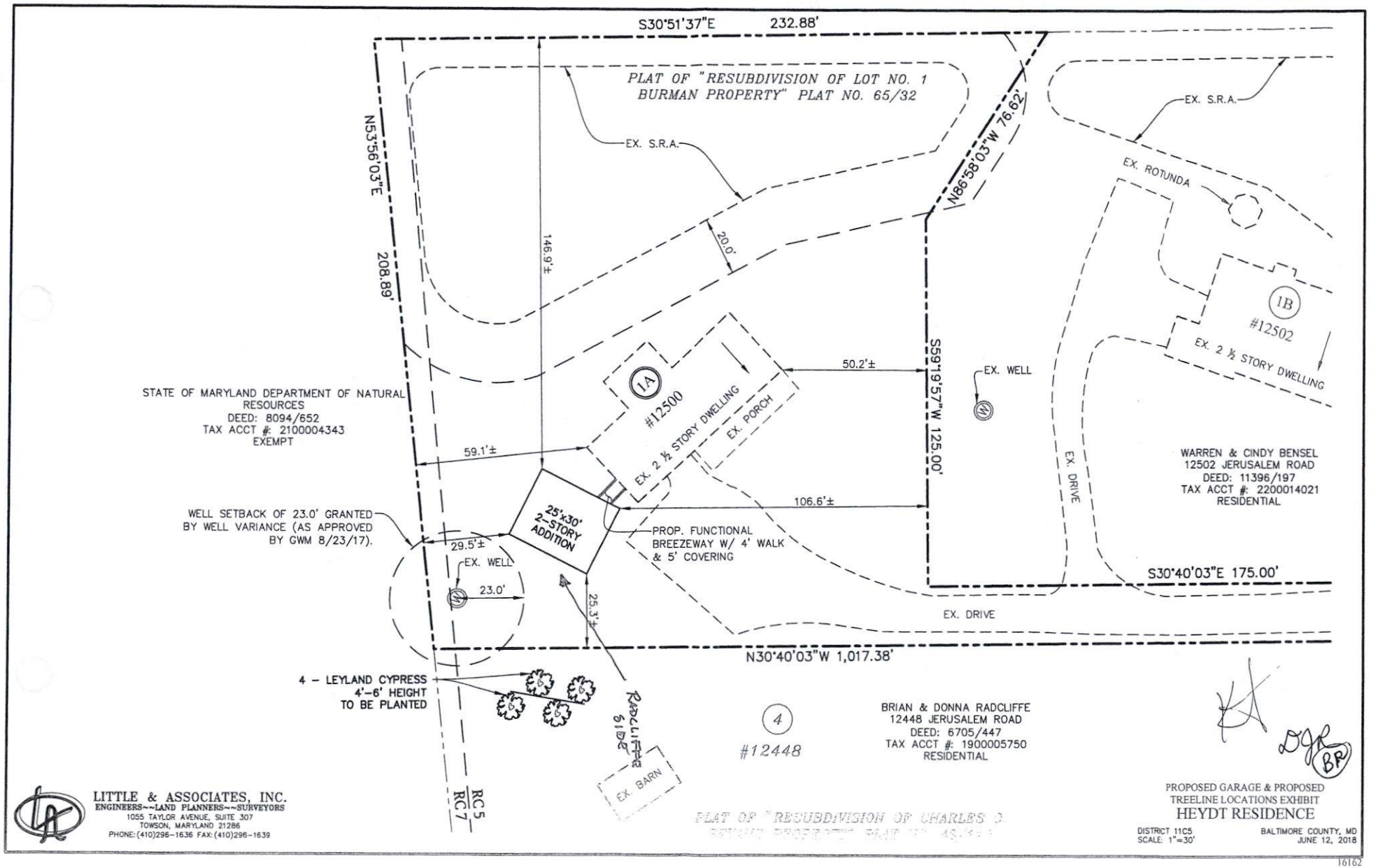
HARFORD COUNTY
MARYLAND
MY COMMISSION EXPIRES OCT. 4, 2021

RECORD & RETURN TO:
Kurt Heydt
12500 Jerusalem Road
Kingsville, MD 21087

ORDER RECEIVED FOR FILING
Date 9/28/18
By Sen



ORDER RECEIVED FOR FILING

Date 9/28/18

By Sen

PLEASE PRINT CLEARLY

CASE NAME 2019-0016-A
CASE NUMBER
DATE 9-22-2018

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Donna Radcliffe	12448 Jerusalem Rd	Kingsville, MD 21087	donnaraddiffe329@
Brian Radcliffe	12448 Jerusalem Rd	Kingsville MD 21087	brianradcliffe1@gmail.com
			@gmail.com

PLEASE PRINT CLEARLY

CASE NAME Heyert Property
CASE NUMBER 2015-0016-A
DATE 27 Sept 18

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Dan Moran	320 LINWOOD AVE	Bel Air MD 21014	cullen properties 11@gmail.
Howard L Alderman Jr.	Levin & Gann PA STE 800 502 Washington Ave	Towson MD 21204	halderman@levingann.c
John Motsko	1055 TAYLOR AVE SUITE 307	TOWSON MD 21286	JohnM@littleAssociates.
KURT HEYNT	12500 Schuessler Rd.	Kingsville Md. 21087	Kurtheyd@comcast.com

Front of residence, #12500 Jerusalem Road, and existing drive.

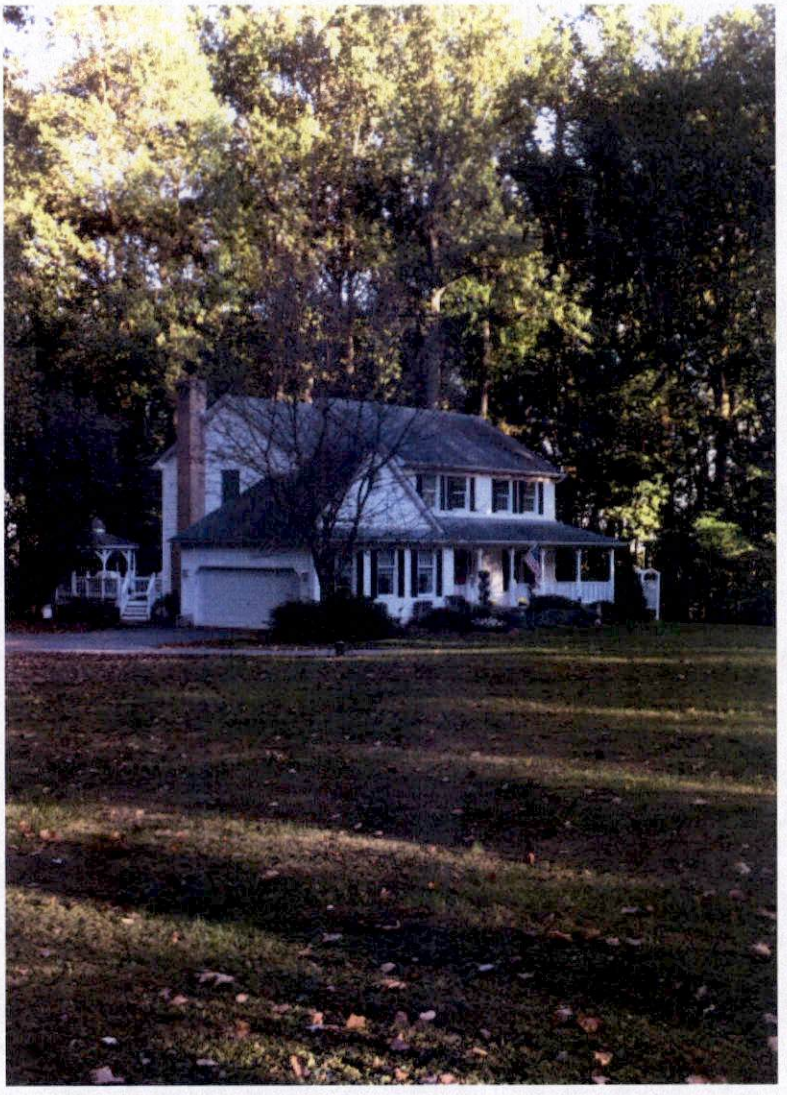
Side of adjacent dwelling, #12444 Jerusalem Road, and existing shed in front yard.

2019-0016-A

Front of adjacent dwelling, #12446 Jerusalem Road, and existing garage in front yard.

Front of adjacent dwelling, #12448 Jerusalem Road, and existing shed in front yard.

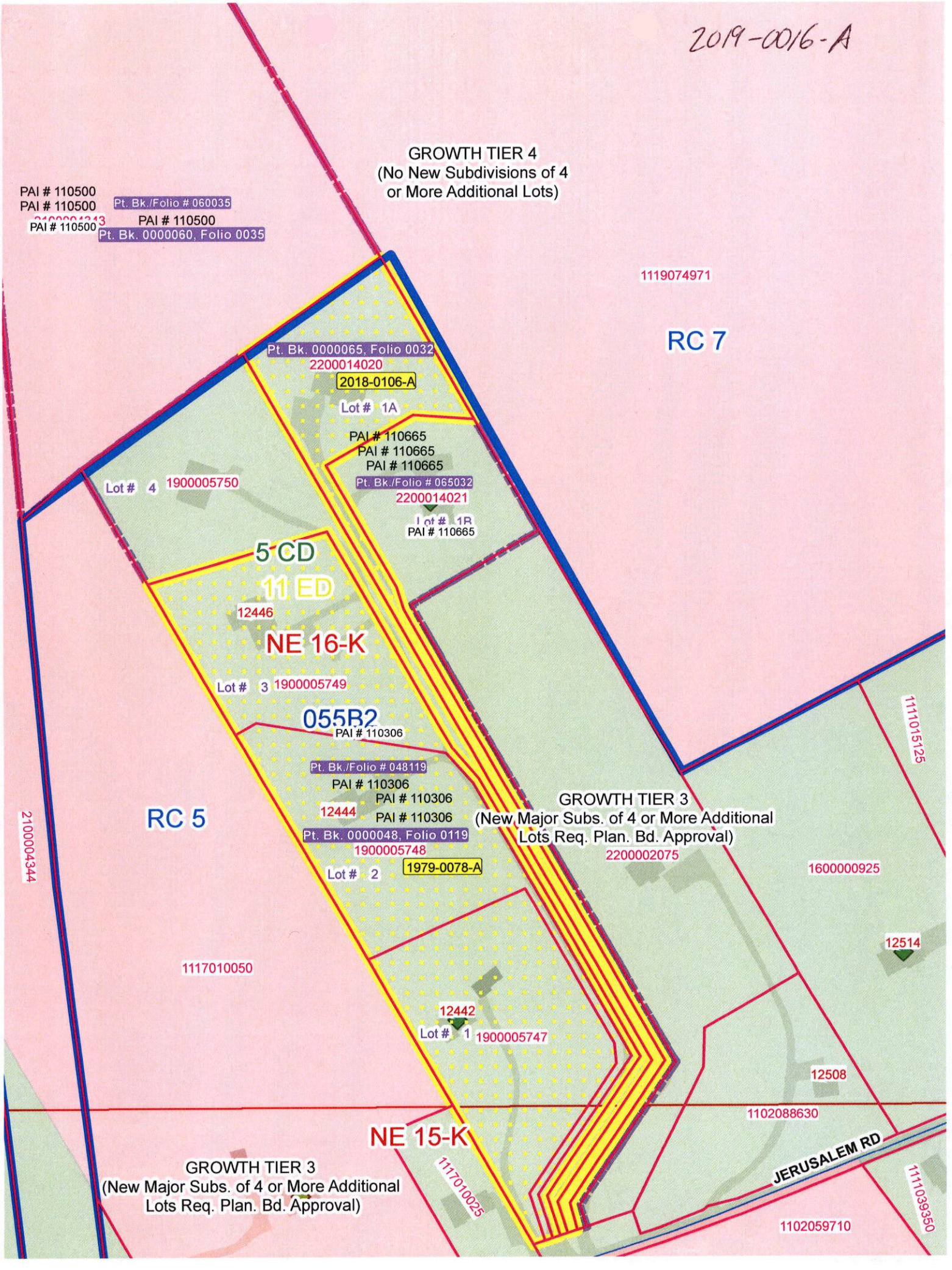
2019-0016-A



Front of adjacent dwelling, #12502 Jerusalem Road, and existing rotunda in rear yard.

2019-0016-A

2019-0016-A


GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)
PAI # 110500
PAI # 110500
Pt. Bk./Folio # 060035
PAI # 110500
PAI # 110500
Pt. Bk. 0000060, Folio 0035
1119074971
RC 7
Pt. Bk. 0000065, Folio 0032
2200014020
2018-0106-A
Lot # 1A
PAI # 110665
PAI # 110665
PAI # 110665
Pt. Bk./Folio # 065032
2200014021
Lot # 1B
PAI # 110665
Lot # 4
1900005750
5 CD
11 ED
12446
NE 16-K
Lot # 3
1900005749
055B2
PAI # 110306
Pt. Bk./Folio # 048119
PAI # 110306
PAI # 110306
12444
PAI # 110306
Pt. Bk. 0000048, Folio 0119
1900005748
Lot # 2
1979-0078-A
RC 5
GROWTH TIER 3
(New Major Subs. of 4 or More Additional
Lots Req. Plan. Bd. Approval)
2200002075
1111015125
1600000925
12514
2100004344
1117010050
12442
Lot # 1
1900005747
12508
1102088630
NE 15-K
JERUSALEM RD
GROWTH TIER 3
(New Major Subs. of 4 or More Additional
Lots Req. Plan. Bd. Approval)
1117010025
1111039350
1102059710

CASE NO. 2019-0016-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
9/5	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	No comment
8/15	DEPS (if not received, date e-mail sent _____)	Comment
	FIRE DEPARTMENT	
9/7	PLANNING (if not received, date e-mail sent _____)	No Objection
8/13	STATE HIGHWAY ADMINISTRATION	No Objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2018-0106-A)

NEWSPAPER ADVERTISEMENT Date: 9/7/18

SIGN POSTING (1st) Date: 9/6/18 by Pilson

SIGN POSTING (2nd) Date: 9/24/18 by Pilson

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

Tax Exempt:		**Special Tax Recapture:**	
Exempt Class:		NONE	
Account Identifier:	**District** - 11 **Account Number** - 2200014020		

Owner Information

Owner Name:	HEYDT KURT	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	12500 JERUSALEM RD KINGSVILLE MD 21087-1102	**Deed Reference:**	/20462/ 00589

Location & Structure Information

Premises Address:	12500 JERUSALEM RD KINGSVILLE 21087-1102	**Legal Description:**	1.243 AC 12500 JERUSALEM RD NSR BURMAN PROPERTY

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0055	0009	0423		0000			1A	2018	Plat Ref:	0065/ 0032

Special Tax Areas:		**Town:**	NONE
		Ad Valorem:	
		Tax Class:	

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1993	2,304 SF		1.2400 AC	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Attached	

Value Information

	Base Value	Value As of 01/01/2018	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	102,400	102,400		
Improvements	302,800	297,600		
Total:	405,200	400,000	400,000	400,000
Preferential Land:	0			0

Transfer Information

Seller: MORAN DANIEL C	**Date:** 07/29/2004	**Price:** $25,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /20462/ 00589	**Deed2:**
Seller: MORAN DANIEL C	**Date:** 01/07/2000	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /14251/ 00028	**Deed2:**
Seller: MORAN DANIEL C	**Date:** 01/07/2000	**Price:** $150,000
Type: NON-ARMS LENGTH OTHER	**Deed1:** /00000/ 00000	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
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:**

JB 1/16/18

IN RE: PETITION FOR VARIANCE (12500 Jerusalem Road) 11th Election District 5th Council District Kurt Heydt Petitioner	* * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2018-0106-A**

* * * * * * *

OPINION AND ORDER

This matter (which originated as a petition for an administrative variance) comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed on behalf of Kurt Heydt, the legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) To permit an addition with the setbacks of 12.3 ft. +/- and 32.0 ft. +/- in lieu of the required 50.0 ft. from any lot line, respectively; and to amend the "Final Development Plan Re-subdivision of Lot No. 1, Burman Property" for Lot 1A only; and (2) Any additional relief as may be deemed necessary by the Administrative Law Judge ("ALJ"). A site plan was marked as Petitioner's Exhibit 1.

This matter was originally filed as an Administrative Variance, with a closing date of November 6, 2017. On October 30, 2017, Brian and Donna Radcliffe who live at 12448 Jerusalem Road requested a hearing. The hearing was held on Tuesday, January 16, 2018 at 1:30 PM in Room 104 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations.

Property owner Kurt Heydt and professional engineer John Motsco appeared in support of the petition. Adjacent neighbors Brian and Donna Radcliffe attended the hearing in opposition. The Petition was advertised and posted as required by the B.C.Z.R. There were no adverse Zoning Advisory Committee ("ZAC") comments received by any of the County reviewing agencies; however, the Department of Planning ("DOP") noted that the proposed addition was for garage and storage space and should not be used as a residence or for commercial purposes.

The site is approximately 1.243 acres in size and zoned RC 5. The property is improved with a 2 ½ story dwelling. Petitioner explained he has lived at the property for nearly 20 years, and now needs additional space to store vehicles and household items. Petitioner stated the two-story addition would have an unfinished first floor, with an internal stairway which would access a second floor storage space.

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).

The property has an irregular shape and the dwelling is skewed on the lot. As such, the property is arguable unique. But at the same time, the proposed addition could have a negative impact upon the neighbors at 12448 Jerusalem Road. In this regard, Mr. Radcliffe's point is a valid one: the proposed two-story structure (30'x 30') would be 1,800 square feet in size and just 12 ft. from the property boundary. The addition would be as large as some single-family dwellings and the setback would barely satisfy the requirements for yard setbacks in residential zones. Of course this is an RC zone, and the proposed 12 ft. setback is less than 25% of the buffer required. B.C.Z.R.

§1A04.3.

As discussed at the hearing, the Petitioner may choose to construct the proposed addition in a different location, which may or may not require a variance. Should he decide to do so I would not want him to be precluded by *res judicata* from seeking zoning relief at a later date, if that was required. As such, rather than deny the variance requested herein, the Petition will be dismissed without prejudice.

THEREFORE, IT IS ORDERED this **18th** day of **January, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R"), to permit an addition with setbacks of 12.3 ft. +/- and 32.0 ft. +/- in lieu of the required 50.0 ft. from any lot line, respectively; and to amend the "Final Development Plan Re-subdivision of Lot No. 1, Burman Property" for Lot 1A only, be and is hereby DISMISSED without prejudice.

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

Carl Richards Jr

From: Arnold Jablon
Sent: Monday, August 06, 2018 12:29 PM
To: Brian Radcliffe
Cc: Carl Richards Jr; Kristen L Lewis
Subject: Re: Varience

I've been away and am away in the Canadian Rockies so I have not been up to date.

Carl and Kristen, I want this matter heard and don't want Mr and Mrs Radcliffe to bear any expense in having the hearing. Please notify the petitioner a hearing will be required. The normal process for scheduling a hearing after a request is made after a posting of a request for admin variance would be followed. Carl and Kristen please confirm to me this will be done.

Sent from my iPad

> On Aug 6, 2018, at 9:23 AM, Brian Radcliffe
<brianradcliffe1@gmail.com> wrote:
>
> Good Afternoon Mr. Jablon,
> Thanks you so much for cc ing the clerks to help insure that we get
> notification of the hearing and for your patience in helping us get to
> this correct. Because this is very important to us, I want to make
> sure we fully understand.
>
> Currently the sign posted (Picture Attached) on the property states
> that it is an Administrated Variance and any eligible individual or
> group may request a hearing by 8/13/18.
> Your previous email stated that they were not eligible for a second
> Administrative Variance and, instead, must have a hearing that would

> be posted and advertised by the neighbor.
> Do we need to do anything else to insure that this hearing will occur?
>
> We are sorry to bother you with so many questions and greatly
> appreciate your help!.
>
>
> Sincerely,
> Brian and Donna Radcliffe
>
> On Fri, Aug 3, 2018 at 12:24 AM, Arnold Jablon
> <ajablon@baltimorecountymd.gov> wrote:
>> Originally, the neighbors filed for an administrative variance. They can not do so now. They must file for a hearing and bear the costs of posting and advertising.
>>
>> By copy of this email above to those names, the docket clerk will insure that a hearing is required and it will be their expense. They will, as indicated above, post the property w/a sign indicating date, time and place of the hearing. We will try and insure you will be notified of the hearing.
>>
>> Sent from my iPad
>>
>>> On Aug 2, 2018, at 8:38 AM, Brian Radcliffe
<brianradcliffe1@gmail.com> wrote:
>>>
>>> Good Morning Mr. Jablon,
>>> Thanks for your quick response in answering my questions. I am
>>> still a little confused on requesting a hearing. Last time Mr.
>>> Heydt posted the sign for a variance in the Baltimore County zoning

>>> law. My wife and I went to Towson and had to pay $60 to have a hearing scheduled.
>>> My question now is again a sign is posted for a zoning variance. Do
>>> I need to again go to Towson and pay another $60 to have the
>>> hearing? I definitely want a hearing to present our case and
>>> proposal to the hearing judge.
>>>
>>> Thanks again for you help,
>>> Brian
>>>
>>> On Wed, Aug 1, 2018 at 11:34 AM, Arnold Jablon
>>> <ajablon@baltimorecountymd.gov> wrote:
>>>> I'll try and respond in order of your questions.
>>>>
>>>> 1. There is a cost to refile, the responsibility for which is the petitioner, your neighbor.
>>>> 2.I would recommend you do have it reviewed by an atty. the agreement is being prepared by an engineer, not a lawyer, always a remedy for disaster! They're probably copying from one that was prepared by an atty. protect yourself, have land use atty review it.
>>>> 3.Appear at the hearing and make sure the agreement is incorporated into the order by reference. Be sure the agreement states unequivocally that should there be any violation of its terms and conditions, you have the right to go to court and all costs of doing so, including atty fees, are paid by your neighbor. The judge will not review the document; he will accept and include in its order on the agreement if the parties. That's why you need to have an atty review it.
>>>>
>>>> Sent from my iPad
>>>>
>>>>> On Aug 1, 2018, at 9:20 AM, Brian Radcliffe
<brianradcliffe1@gmail.com> wrote:

>>>>>
>>>>> Good Morning Mr. Jablon,
>>>>> I communicated with you back in February when there was a hearing
>>>>> on a zoning variance. My neighbor, Kurt Heydt, was attempting to
>>>>> build a garage 10 feet from my property line where the county
>>>>> setback is 50 feet. The judge did not approve or deny, but
>>>>> dismissed without prejudice.
>>>>>
>>>>> My neighbor has applied for a variance again. (Case Number
>>>>> 2019-0016-A) This time he is asking to place the garage 25 feet
>>>>> from the property line. The builder has talked with me several
>>>>> times in hopes of working something out. We have a plan in place
>>>>> that I think works for both parties where windows and doors are
>>>>> placed in the garage along with some trees to be planted on my
>>>>> property for a visual barrier. Being a novice at this, I have a few questions to ask.
>>>>>
>>>>> 1. When we last chatted in your office (Virginia was on its way
>>>>> to being ACC Basketball Tournament Champion. Who knew they would
>>>>> lose to UMBC the next week?) we discussed if my neighbor refiles
>>>>> for a variance, would I need to pay again to have a hearing? I
>>>>> think you stated a hearing could be assigned without additional
>>>>> cost. I want any compromise to be recorded by the county.
>>>>>
>>>>> 2. I believe my neighbor and the builder are having John Matsco
>>>>> with Little & Associates write an agreement with the stipulations
>>>>> we have asked for. We have not seen the agreement yet. In your
>>>>> opinion should I have the agreement reviewed by an attorney?
>>>>>
>>>>> 3. If my wife and I agree with their proposed agreement, how do

>>>>> we get it to be reviewed by the judge so it is incorporated into
>>>>> any decision? We want to be able to chat with the judge as he
>>>>> reviews the agreement. If our options are not agreed to by our
>>>>> neighbor, we will again fight the variance request.
>>>>>
>>>>> If there are any other questions I should have asked, please
>>>>> provide that information as well.
>>>>>
>>>>> I appreciate your time and expertise, Brian and Donna Radcliffe
>>>>
[http://www.baltimorecountymd.gov/sebin/n/n/county_seal.jpg]<http:/
>>>> /www.baltimorecountymd.gov>
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>>>> Connect with Baltimore County
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[http://www.baltimorecountymd.gov/sebin/r/z/socialmedia_youtube.jpg
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<https://www.flickr.com/photos/baltimorecounty>
[http://www.baltimorecountymd.gov/sebin/d/o/socialmedia_linkedin.jp
g] <https://www.linkedin.com/company/baltimore-county-government>
>>>>

>>>>
www.baltimorecountymd.gov<http://www.baltimorecountymd.gov>
>>>>
> <Variance Sign.JPG>

#2

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2019-0016 -A

TO PERMIT A GARAGE ADDITION WITH SIDE YARD SETBACKS OF 29.3 FEET AND 22.5 FEET IN LIEU OF THE REQUIRED 50 FEET AND TO AMEND THE FINAL DEVELOPMENT PLAN OF "BURIAN PROPERTY" FOR LOT 1A ONLY

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON 04-08-19

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

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

HANDICAPPED ACCESSIBLE

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2011-0097-[illegible]

TO PERMIT A GARAGE ADDITION [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

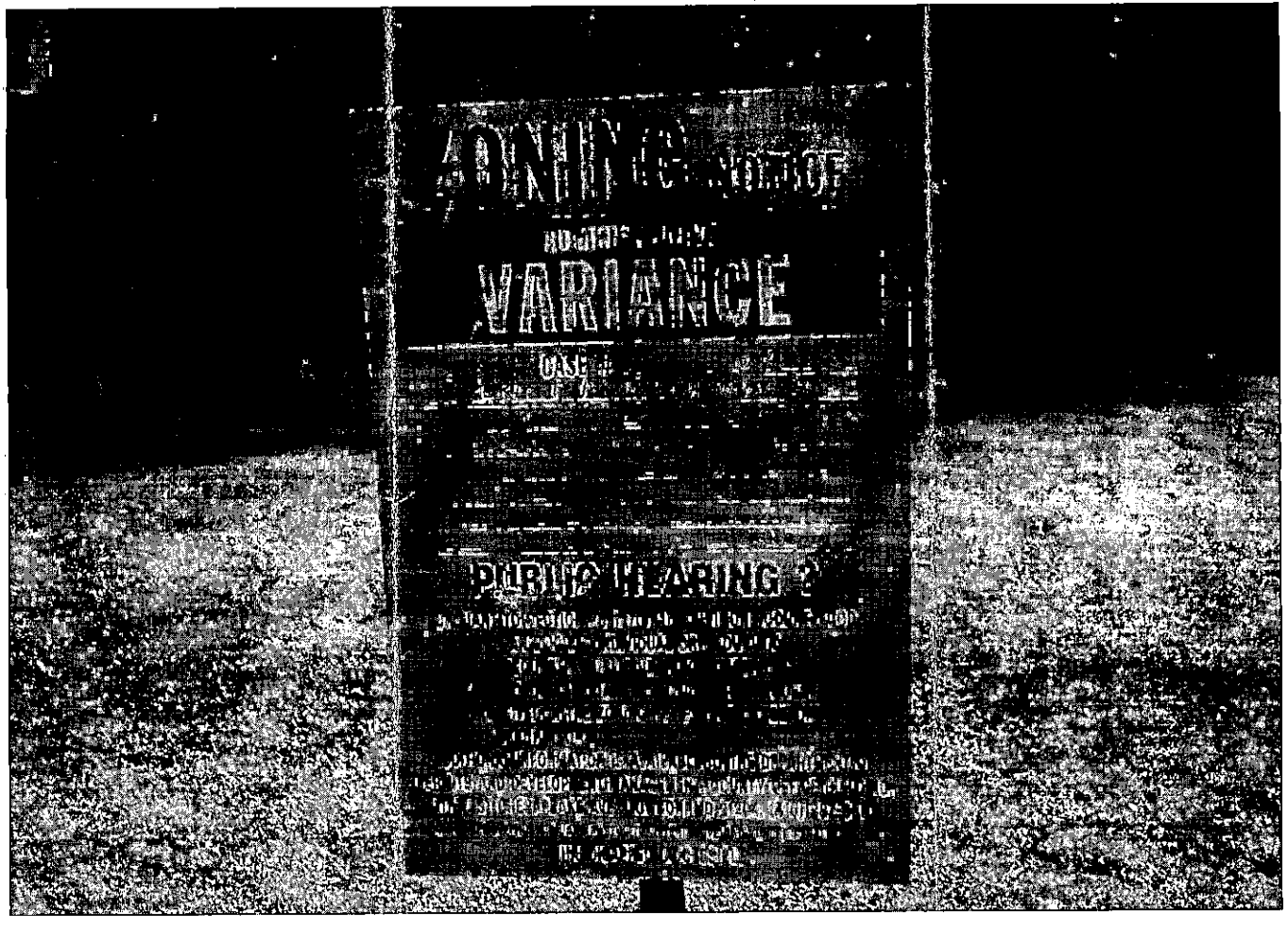
PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON [illegible]

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204 (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE


VARIANCE
PUBLIC HEARING

CERTIFICATE OF POSTING

Date: 7-29-18

RE: Case Number: 2019-0016-A

Petitioner/Developer: Kurt Heydt

Date of Hearing/Closing: 8-13-18

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 12500 Jerusalem Rd

The signs(s) were posted on 7-29-18
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

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

Date: 7/23/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2019-0016-A
Administrative Variance
Kurt Heydt
12500 Jerusalem 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,

Richard A. Zeller

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

WW/RAZ

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0016 -A Address 12500 Jerusalem Road

Contact Person: Leonard Wasilewski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/17/18 **Posting Date:** 7/29/18 **Closing Date:** 8/13/18

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.

2. **DEADLINE:** The closing date is the deadline for a neighbor (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.

3. **ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.

4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), 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 2019- 0016 -A Address 12500 Jerusalem Road

Petitioner's Name Kurt Heydt Telephone 410-977-7620

Posting Date: 7/29/18 **Closing Date:** 8/13/18

Wording for Sign: To permit a garage addition with a side yard setbacks of 25.3feet and 29.5feet in lieu of the required 50 feet and to amend the Final Development Plan of "Burman Property" for lot 1A only.

Revised 6/28/2018

SITE DATA

1. NET/GROSS TRACT AREA: 1.243 AC± (54,145 SF)
2. THE ENTIRE SITE IS ZONED RC-5 & RC-7, 200 SCALE MAP #055B2.
3. OWNER:
   KURT HEYDT
   12500 JERUSALEM ROAD
   KINGSVILLE, MD 21087
4. TAX ACCT. #: 2200014020
5. DEED: 20462/589
6. PLAT: 65/32 LOT 1A
7. MAP: 055 GRID: 09 PARCEL: 423
8. ELECTION DISTRICT: 11 COUNCILMANIC DISTRICT: 5
9. THIS SITE IS LOCATED WITHIN THE LITTLE GUNPOWDER FALLS WATERSHED.
10. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2018 BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR.
11. NO FLOOD PLAIN EXISTS ON THIS PROPERTY.
12. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
13. THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
14. CURRENT USE: RESIDENTIAL
15. PROPOSED USE: RESIDENTIAL
16. PROPOSED BREEZEWAY SHALL BE FUNCTIONAL WITH DOORS AT BOTH ENDS PROVIDING ACCESS TO STRUCTURES.

PRIOR ZONING HISTORY

CASE NO. 2018-0106-A
JANUARY 18, 2018 – DISMISSED WITHOUT PREJUDICE

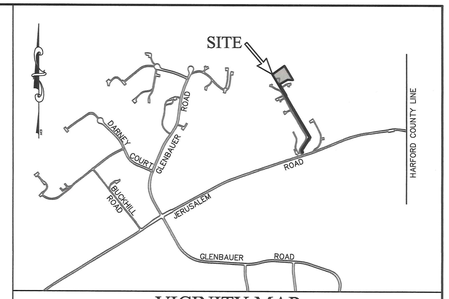
VARIANCE SEEKING RELIEF FROM SECTION 1A04.3.B.2.b OF THE BCZR, TO PERMIT AN ADDITION WITH SETBACKS OF 12.3 FEET ± AND 32.0 FEET ± IN LIEU OF THE REQUIRED 50.0 FEET FROM ANY LOT LINE, RESPECTIVELY; AND TO AMEND THE "FINAL DEVELOPMENT PLAN RE-SUBDIVISION OF LOT NO. 1, BURMAN PROPERTY" FOR LOT 1A ONLY.

REQUESTED RELIEF

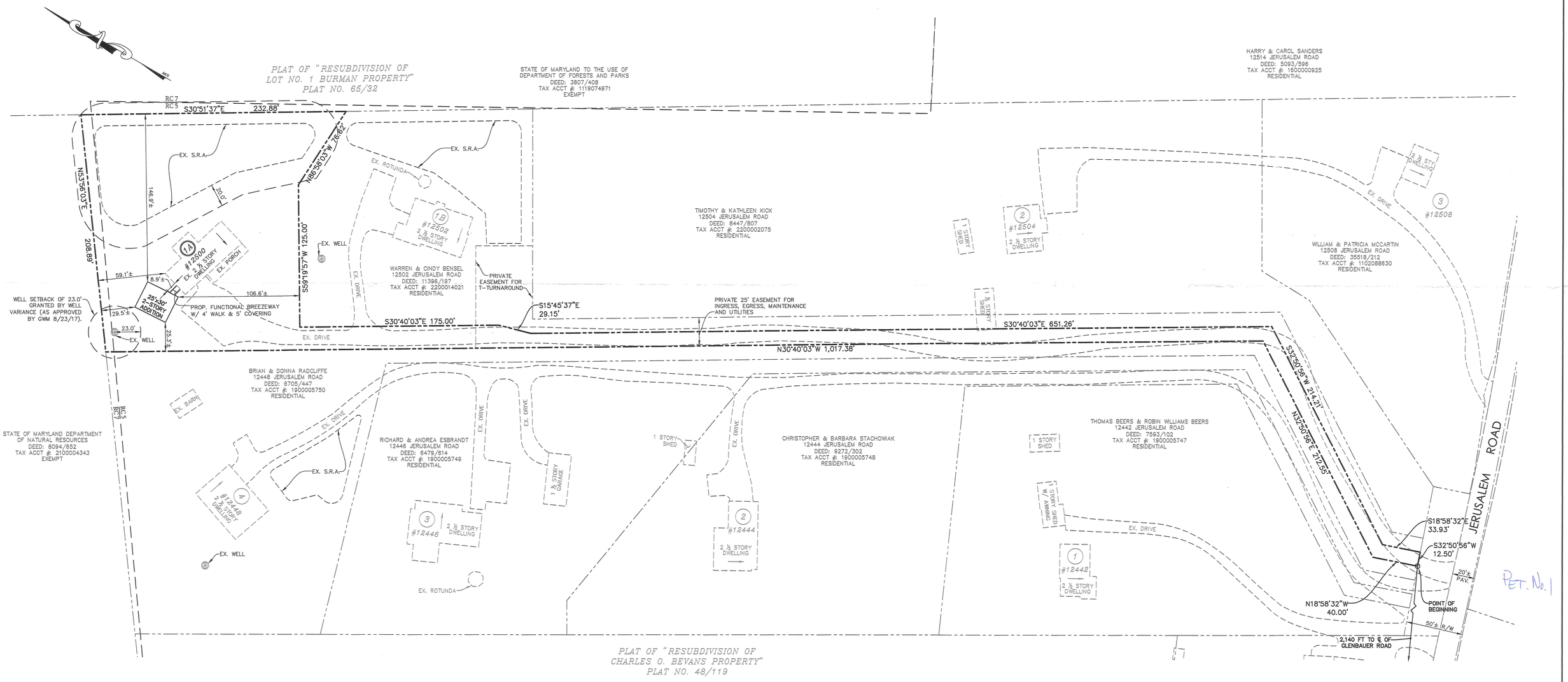
I. VARIANCES FROM SECTION 1A04.3 BCZR AS FOLLOWS:

"A" VARIANCE FROM SECTION 1A04.3.B.2.b BCZR, TO PERMIT AN ADDITION WITH THE SETBACKS OF 25.3± FEET AND 29.5± FEET IN LIEU OF THE REQUIRED 50.0 FEET FROM ANY LOT LINE, RESPECTIVELY. AND TO AMEND THE "FINAL DEVELOPMENT PLAN RESUBDIVISION OF LOT NO. 1 BURMAN PROPERTY" FOR LOT 1A ONLY.

"B" ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.



VICINITY MAP
SCALE: 1"=1000'



PET. No. 1

CASE NO.: 2019-0016-A

PLAN TO ACCOMPANY
PETITION FOR VARIANCE

HEYDT RESIDENCE
#12500 JERUSALEM ROAD

DISTRICT 11c5
SCALE: 1"=40'
PLAT #: 65/32

BALTIMORE COUNTY, MD
OCTOBER 11, 2017
REV: JULY 16, 2018

LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

Y:\HEYDT RESIDENCE 16162\dwg\AS-SUBMITTED\2018-07-16 ZONING SITE PLAN AS FILED.dwg, 7/16/2018 9:38:13 AM, CHKP, 1(80/2053), 1:40

16162

SITE DATA

1. NET/GROSS TRACT AREA: 1.243 AC± (54,145 SF)
2. THE ENTIRE SITE IS ZONED RC-5 & RC-7, 200 SCALE MAP #055B2.
3. OWNER:
   KURT HEYDT
   12500 JERUSALEM ROAD
   KINGSVILLE, MD 21087
4. TAX ACCT. #: 2200014020
5. DEED: 20462/589
6. PLAT: 65/32 LOT 1A
7. MAP: 055 GRID: 09 PARCEL: 423
8. ELECTION DISTRICT: 11 COUNCILMANIC DISTRICT: 5
9. THIS SITE IS LOCATED WITHIN THE LITTLE GUNPOWDER FALLS WATERSHED.
10. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2018 BASIC SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR.
11. NO FLOOD PLAIN EXISTS ON THIS PROPERTY.
12. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
13. THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
14. CURRENT USE: RESIDENTIAL
15. PROPOSED USE: RESIDENTIAL
16. PROPOSED BREEZEWAY SHALL BE FUNCTIONAL WITH DOORS AT BOTH ENDS PROVIDING ACCESS TO STRUCTURES.

PRIOR ZONING HISTORY

CASE NO. 2018-0106-A
JANUARY 18, 2018 – DISMISSED WITHOUT PREJUDICE

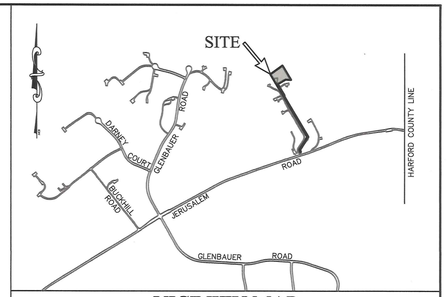
VARIANCE SEEKING RELIEF FROM SECTION 1A04.3.B.2.b OF THE BCZR, TO PERMIT AN ADDITION WITH SETBACKS OF 12.3 FEET ± AND 32.0 FEET ± IN LIEU OF THE REQUIRED 50.0 FEET FROM ANY LOT LINE, RESPECTIVELY; AND TO AMEND THE "FINAL DEVELOPMENT PLAN RE-SUBDIVISION OF LOT NO. 1, BURMAN PROPERTY" FOR LOT 1A ONLY.

REQUESTED RELIEF

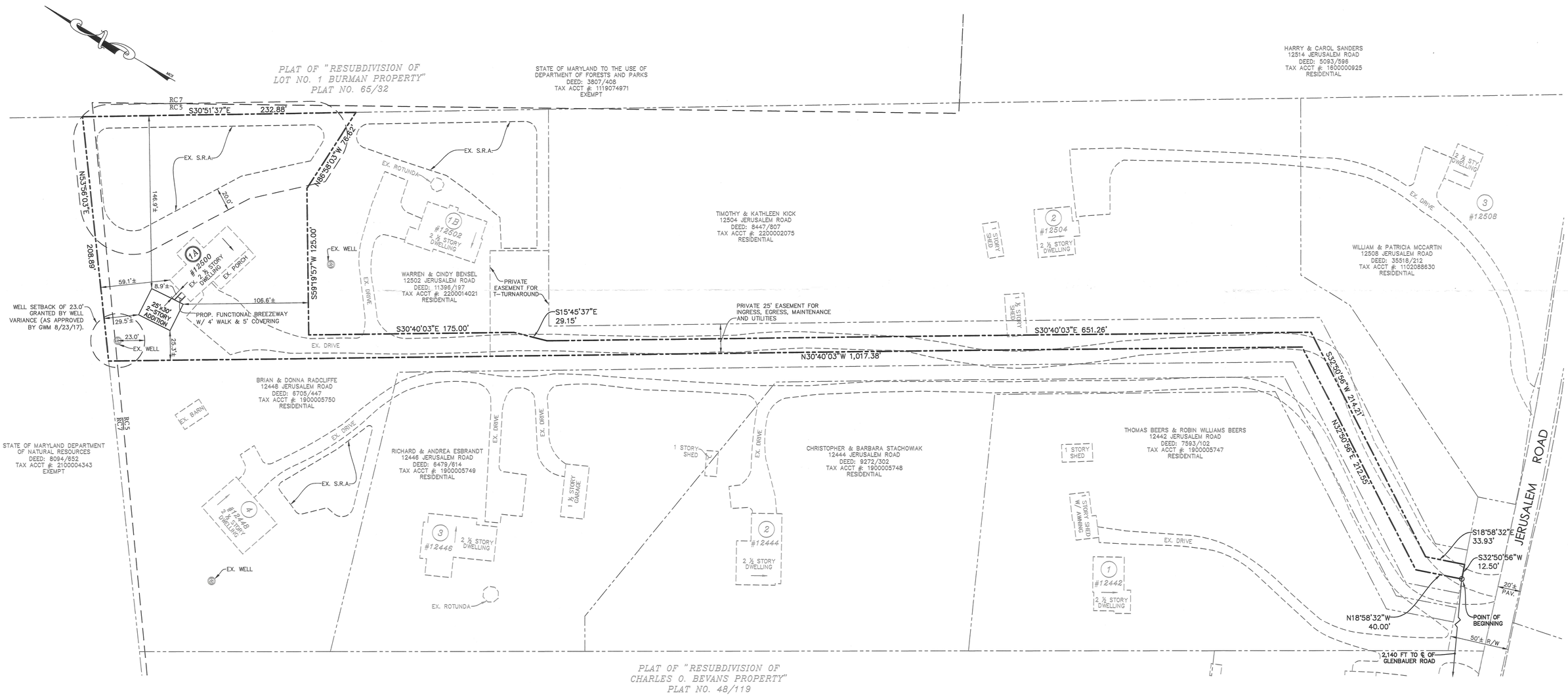
I. VARIANCES FROM SECTION 1A04.3 BCZR AS FOLLOWS:

"A" VARIANCE FROM SECTION 1A04.3.B.2.b BCZR, TO PERMIT AN ADDITION WITH THE SETBACKS OF 25.3± FEET AND 29.5± FEET IN LIEU OF THE REQUIRED 50.0 FEET FROM ANY LOT LINE, RESPECTIVELY; AND TO AMEND THE "FINAL DEVELOPMENT PLAN RESUBDIVISION OF LOT NO. 1 BURMAN PROPERTY" FOR LOT 1A ONLY.

"B" ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.



VICINITY MAP
SCALE: 1"=1000'



CASE No.: 2019-0016-A

PLAN TO ACCOMPANY
PETITION FOR VARIANCE

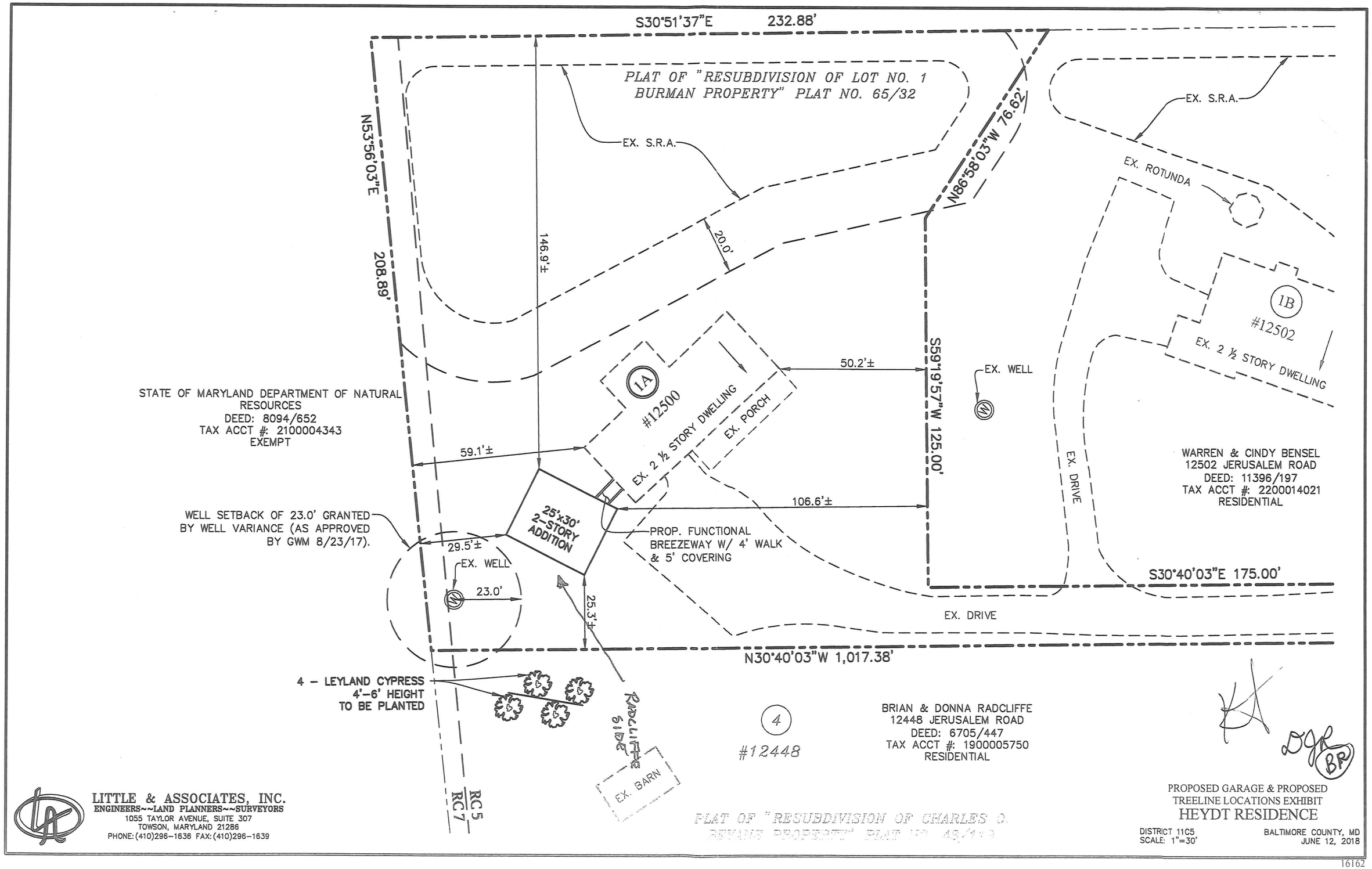
HEYDT RESIDENCE
#12500 JERUSALEM ROAD

DISTRICT 11c5
SCALE: 1"=40'
PLAT #: 65/32

BALTIMORE COUNTY, MD
OCTOBER 11, 2017
REV: JULY 16, 2018

LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

16162


S30°51'37"E 232.88'
PLAT OF "RESUBDIVISION OF LOT NO. 1 BURMAN PROPERTY" PLAT NO. 65/32
EX. S.R.A.
EX. S.R.A.
N53°56'03"E
208.89'
146.9'±
20.0'
N86°58'03"W 76.62'
EX. ROTUNDA
1B
#12502
EX. 2 ½ STORY DWELLING
50.2'±
S59°19'57"W 125.00'
EX. WELL
1A
#12500
EX. 2 ½ STORY DWELLING
EX. PORCH
STATE OF MARYLAND DEPARTMENT OF NATURAL RESOURCES
DEED: 8094/652
TAX ACCT #: 2100004343
EXEMPT
59.1'±
EX. DRIVE
WARREN & CINDY BENSEL
12502 JERUSALEM ROAD
DEED: 11396/197
TAX ACCT #: 2200014021
RESIDENTIAL
106.6'±
WELL SETBACK OF 23.0' GRANTED BY WELL VARIANCE (AS APPROVED BY GWM 8/23/17).
25'x30' 2-STORY ADDITION
PROP. FUNCTIONAL BREEZEWAY W/ 4' WALK & 5' COVERING
29.5'±
EX. WELL
23.0'
S30°40'03"E 175.00'
25.3'±
EX. DRIVE
N30°40'03"W 1,017.38'
4 – LEYLAND CYPRESS 4'–6' HEIGHT TO BE PLANTED
RADCLIFFE BLDG
4
#12448
BRIAN & DONNA RADCLIFFE
12448 JERUSALEM ROAD
DEED: 6705/447
TAX ACCT #: 1900005750
RESIDENTIAL
EX. BARN
RC 5
RC 7
PLAT OF "RESUBDIVISION OF CHARLES O. BEVANS PROPERTY" PLAT NO. 48/113
BP
LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639
PROPOSED GARAGE & PROPOSED TREELINE LOCATIONS EXHIBIT
HEYDT RESIDENCE
DISTRICT 11C5
SCALE: 1"=30'
BALTIMORE COUNTY, MD
JUNE 12, 2018

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