MEMORANDUM

DATE: December 4, 2018

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2019-0051-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 3, 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.'

/dlw

c: Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(308 Oberle Avenue)		
15th Election District	*	OF ADMINISTRATIVE
7th Council District		
Daniel C. & Kelly A. Hueter	*	HEARINGS FOR
Legal Owners		
	*	BALTIMORE COUNTY
Petitioners		
	*	**CASE NO. 2019-0051-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed on behalf of Daniel C. & Kelly A. Hueter, legal owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from the Baltimore County Zoning Regulations ("BCZR"): (1) to permit an existing dwelling in a DR 5.5 zone with a lot width of 50 ft. in lieu of the minimum required 55 ft.; and (2) to permit an existing dwelling in a DR 5.5 zone with side yard setbacks of 7 ft. and 9 ft. in lieu of the minimum required 10 ft. A site plan was marked as Petitioners' Exhibit 1.

Daniel C. & Kelly A. Hueter appeared in support of the petition. The Petition was advertised and posted as required by the BCZR. The site is approximately 8,346 square feet in size and zoned DR 5.5. The property is improved with a single-family dwelling constructed in 1963. The existing home complied with applicable regulations when it was constructed, and it was only when the DR 5.5 zoning was applied to the property (sometime in the 1970's) that it became a lawful nonconforming structure under BCZR Section 104. The Petitioners did not file this petition; the Office of Zoning Review requested it to be filed by the owner of the adjacent unimproved lot (Lot No. 14), which was the subject of Case No. 2019-0050-A involving a request to construct a single-family dwelling on an undersized lot.

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 dwelling was constructed over 55 years ago and all conditions (i.e., setbacks, lot width) for which relief is sought are existing. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be required to raze or relocate the dwelling. 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 **2nd** day of **November, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance: (1) to permit an existing dwelling in a DR 5.5 zone with a lot width of 50 ft. in lieu of the minimum required 55 ft.; and (2) to permit an existing dwelling in a DR 5.5 zone with side yard setbacks of 7 ft. and 9 ft. in lieu of the minimum required 10 ft., be and is hereby GRANTED.

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

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING
Date 11/2/18
By Sen

CBCA

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 308 OBERLE AVENUE **which is presently zoned** DR 5.5

Deed References: 40232/173 10 Digit Tax Account # 1 5 1 2 2 0 0 5 9 1

Property Owner(s) Printed Name(s) DANIEL C. HUETER AND KELLY A. HUETER

(SELECT THE HEARING(S) BY MARKING X 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.__x__ **a Variance** from Section(s)

SEE ATTACHMENT #1

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)**

ADDED LEGAL OWNER STATEMENT

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:**~~ legal owners
Daniel C Hueter / Kelly Hueter
Name- Type or Print
* owner not willing to sign Petition
Signature
308 Oberle Ave Essex MD
Mailing Address City State
21221 / /
Zip Code Telephone # Email Address

~~**Legal Owners**~~ **(Petitioners)**:
THOMAS J. KANE, III / PATRICK D. KANE
Name #1 – Type or Print Name #2 – Type or Print
Thomas J Kane III / P D Kane
Signature #1 Signature # 2
19 EASTPORT COURT LUTHERVILLE MD
Mailing Address City State
21093 / (410)236-2582 / TOMJKANE3@COMCAST.NET
Zip Code Telephone # Email Address

Attorney for Petitioner:
Name- Type or Print
Signature
Mailing Address City State
Zip Code / Telephone # / Email Address

Representative to be contacted:
LITTLE AND ASSOCIATES, INC., JOHN MOTSCO
Name – Type or Print
John Motsco
Signature
1055 TAYLOR AVENUE, SUITE 307 TOWSON MD
Mailing Address City State
21286 / (410)-296-1636 / JOHNM@LITTLEASSOCIATES.COM
Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 11/2/18
By ASN

CASE NUMBER 2019-0051-A **Filing Date** 8/15/18 **Do Not Schedule Dates:** _____ **Reviewer** gl

REV. 10/4/11

ATTACHMENT #1
REQUESTED RELIEF

I. VARIANCES FROM BCZR§ 1B02.3.C.1 AS FOLLOWS:

"A" VARIANCE TO PERMIT A PROPOSED DWELLING IN A DR-5.5 ZONE WITH A LOT WIDTH OF 50.0 FEET IN LIEU OF THE MINIMUM REQUIRED 55.0 FEET.

"B" VARIANCE TO PERMIT A PROPOSED DWELLING IN A DR-5.5 ZONE WITH SIDE YARD SETBACKS OF 7.0 FEET AND 9.0 FEET IN LIEU OF THE MINIMUM REQUIRED 10.0 FEET.

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

2019-0051-A

August 14, 2018

ZONING DESCRIPTION FOR
#308 OBERLE AVENUE

Beginning at a point on the north side of Oberle Avenue, which is 40 feet wide, at the distance of 1,475 feet west of the centerline of Mace Avenue, which is 50 feet wide. Being Lot 13 in the subdivision of Grafolio, recorded in Baltimore County Plat Book No. 4, Folio 190, containing 8,346 square feet of land, more or less, located in the fifteenth election district and seventh council district.

2019-0051-A

JB 11-1-18
11Am

Debra Wiley

From: Larry Pilson <lpilson@hotmail.com>
Sent: Sunday, October 28, 2018 11:59 AM
To: Administrative Hearings; Chris Prescop
Subject: 2019-0051-A (308 Oberle Ave) Recert
Attachments: 308 Oberle Recert.pdf; DSC_0574.JPG; DSC_0575.JPG

CERTIFICATE OF POSTING

Date: 10-28-18

RECEIVED
OCT 29 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

RE: Case Number: 2019-0051-A Recert

Petitioner/Developer: Kane

Date of Hearing/Closing: Thurs Nov 1, 2018 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 308 Oberle Ave

The signs(s) were posted on Recert 10-28-18
(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 # 2019-0051-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. NOV. 1, 2018 11 AM

REQUEST: VARIANCE TO PERMIT A PROPOSED DWELLING IN A DR 5.5 ZONE WITH A LOT WIDTH OF 50 FT. IN LIED OF THE MINIMUM REQUIRED 55FT. TO PERMIT A PROPOSED DWELLING IN A DR 5.5 ZONE WITH SIDE YARD SETBACKS OF 7 FT AND 9FT. IN LIEU OF THE MINIMUM REQUIRED 10FT. ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE

#2

ZONING NOTICE

CASE # 2019-0051-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. NOV 1, 2018 11 AM

REQUEST: VARIANCE TO PERMIT A PROPOSED DWELLING IN A DR 5.5 ZONE WITH A LOT WIDTH OF 50 FT. IN LIEU OF THE MINIMUM REQUIRED 55 FT. TO PERMIT A PROPOSED DWELLING IN A DR 5.5 ZONE WITH SIDE YARD SETBACKS OF 7 FT. AND 9 FT. IN LIEU OF THE MINIMUM REQUIRED 10 FT. ANY ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

CERTIFICATE OF POSTING

Date: 10-10-18

RE: Case Number: 2019-0051-A

Petitioner/Developer: Kane

Date of Hearing/Closing: 11-1-18 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 308 Oberle Ave

The signs(s) were posted on 10-10-18
(Month, Day, Year)

J Lawrence Pilson
(Signature of Sign Poster)

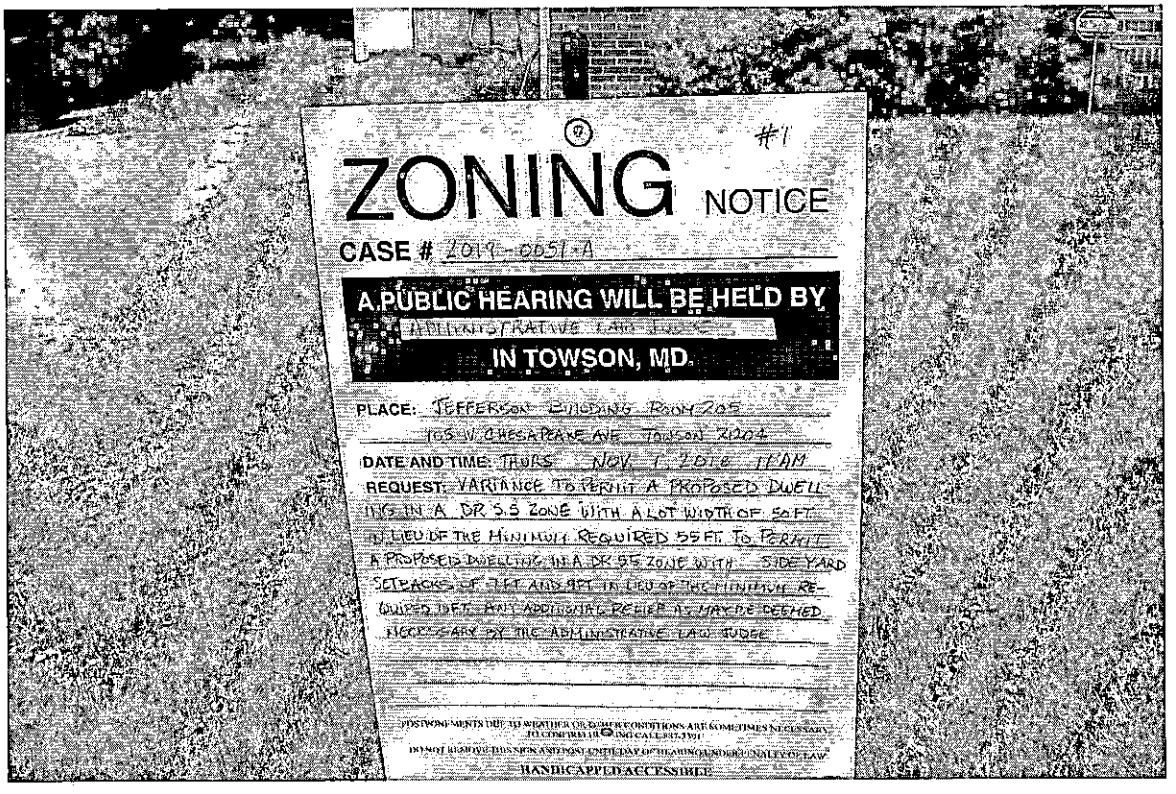
J. LAWRENCE PILSON
(Printed Name of Sign Poster)

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)



(17) #1

ZONING NOTICE

CASE # 2019-0051-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

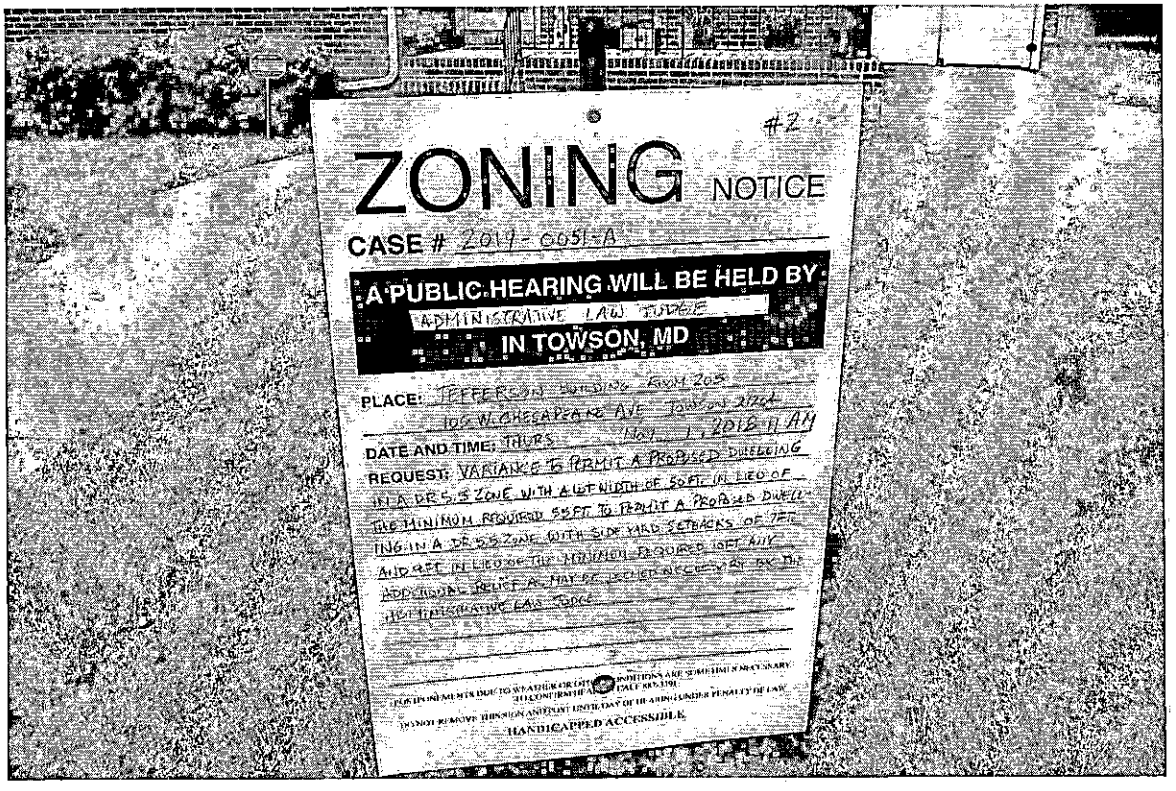
DATE AND TIME: THURS NOV 7, 2019 11AM

REQUEST: VARIANCE TO PERMIT A PROPOSED DWELLING IN A DR 5.5 ZONE WITH A LOT WIDTH OF 50 FT. IN LIEU OF THE MINIMUM REQUIRED 55 FT. TO PERMIT A PROPOSED DWELLING IN A DR 5.5 ZONE WITH SIDE YARD SETBACKS OF 7 FT AND 9 FT IN LIEU OF THE MINIMUM REQUIRED 10 FT. AND ADDITIONAL RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE

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

DO NOT REMOVE THIS NOTICE UNTIL DAY OF HEARING AND OTHERWISE AS PROVIDED BY LAW

HANDICAPPED ACCESSIBLE


#2
ZONING NOTICE
CASE # 2014-0051-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 MAY 1, 2014 11 AM
REQUEST: VARIANCE TO PERMIT A PROPOSED DWELLING
IN A DR5.5 ZONE WITH A LOT WIDTH OF 50FT IN LIEU OF
THE MINIMUM REQUIRED 55FT TO PERMIT A PROPOSED DWELL-
ING IN A DR5.5 ZONE WITH SIDE YARD SETBACKS OF 7FT
AND 8FT IN LIEU OF THE MINIMUM REQUIRED 10FT AND
ADDITIONAL RELIEF AS MAY BE DETERMINED NECESSARY BY THE
ADMINISTRATIVE LAW JUDGE
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM THE HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

RE: AMENDED PETITION FOR VARIANCE 308 Oberle Avenue; N/S Oberle Avenue, W 1,475' to the c/line of Mace Avenue 15th Election & 7th Councilmanic Districts Legal Owner(s): Daniel & Kelly Hueter Petitioners: Thomas J., III& Patrick D. Kane Petitioner(s)	* * * * *	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2019-051-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 21st day of September, 2018, a copy of the foregoing Entry of Appearance was mailed to John Motsco, 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

TO: THE DAILY RECORD
Friday, October 12, 2018 - Issue

Please forward billing to:
Thomas Kane
19 Eastport Court
Lutherville, MD 21093

410-236-2582

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: 2019-0051-A
308 Oberle Avenue
N/s Oberle Avenue, w/of Mace Avenue
15th Election District – 7th Councilmanic District
Petitioners: Thomas J. Kane, III, Patrick Kane
Legal Owners: Daniel & Kelly Hueter

Variance to permit a proposed dwelling in a DR 5.5 zone with a lot width of 50 ft. in lieu of the minimum required 55 ft. To permit a proposed dwelling in a DR 5.5 zone with side yard setbacks of 7 ft. and 9 ft. in lieu of the minimum required 10 ft. Any additional relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Thursday, November 1, 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.

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

Order #: 11627769
Case #: 2019-0051-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0051-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:

10/12/2018

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: 2019-0051-A
308 A Oberle Avenue
N/s Oberle Avenue, w/of Mace Avenue
15th Election District - 7th Councilmanic District
Petitioners: Thomas J. Kane, III, Patrick Kane
Legal Owners: Daniel & Kelly Hueter

Variance to permit a proposed dwelling in a DR 5.5 zone with a lot width of 50 ft. in lieu of the minimum required 55 ft. To permit a proposed dwelling in a DR 5.5 zone with side yard setbacks of 7 ft. and 9 ft. in lieu of the minimum required 10 ft. Any additional relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Thursday, November 1, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

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

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

o12

DONALD I. MOHLER III
County Executive

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

September 26, 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: 2019-0051-A
308 Oberle Avenue
N/s Oberle Avenue, w/of Mace Avenue
15th Election District – 7th Councilmanic District
Petitioners: Thomas J. Kane, III, Patrick Kane
Legal Owners: Daniel & Kelly Hueter

Variance to permit a proposed dwelling in a DR 5.5 zone with a lot width of 50 ft. in lieu of the minimum required 55 ft. To permit a proposed dwelling in a DR 5.5 zone with side yard setbacks of 7 ft. and 9 ft. in lieu of the minimum required 10 ft. Any additional relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Thursday, November 1, 2018 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Thomas Kane, Patrick Kane, 19 Eastport Court, Lutherville 21093
Mr. & Mrs. Hueter, 308 Oberle Avenue, Essex 21221
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, OCTOBER 12, 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.

RE: PETITION FOR VARIANCE 308 Oberle Avenue; N/S Oberle Avenue, W 1,475' to the c/line of Mace Avenue 15th Election & 7th Councilmanic Districts Legal Owner(s): Thomas J. Kane, III & Patrick D. Kane Petitioner(s)	* * * * *	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2019-051-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 23rd day of August, 2018, a copy of the foregoing Entry of Appearance was mailed to John Motsco, 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: 2019-0051-A

Property Address: 308 OBERLE AVENUE ESSEX, MD 21221

Property Description: LOT 13 WITHIN THE SUBDIVISION OF GRAFOLIO

~~Legal Owners~~ (Petitioners): THOMAS AND PATRICK KANE

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: THOMAS KANE

Company/Firm (if applicable): N/A

Address: 19 EASTPORT COURT
LUTHERVILLE, MD 21093

Telephone Number: (410) 236-2582

Revised 5/20/2014

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

No. 172881

Date: 8/15/18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	000		6150				75.00

Total 75.00

Rec From: KFT Properties 3 LLC

For: 2019-0051-A

308 Dbrie Ave

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

PAID RECEIPT
BUSINESS ACTUAL TIME DRAWER
8/15/2018 8/15/2018 10:42:54 3
REG: WALK-IN CASH
RECEIPT # 736144 8/15/2018 DRAWER
5 526 ZONING VERIFICATION
172881
Recpt Total 75.00
75.00 CR 0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

DONALD I. MOHLER III
County Executive

October 25, 2018

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

Thomas Kane III & Patrick Kane
19 Eastport Ct.
Lutherville, MD 21093

Dear Mr. Thomas Kane & Mr. Patrick Kane:

RE: Case Number: 2019-0051A, Address: 308A Oberle Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 15, 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: MTC

Enclosures

c: People's Counsel
Little & Associates Inc., John Motsco 1055 Taylor Ave. Ste 307 Towson, MD 21286
Daniel & Kelly Hueter 308 Oberle Ave. Essex, MD 21221

11-1-18

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 9/24/2018

RECEIVED
SEP 25 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-051

INFORMATION:
Property Address: 308 Oberle Avenue
Petitioner: Thomas J. Kane, III, Patrick D. Kane
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit an existing dwelling in a DR 5.5 zone with a lot width of 50 feet and side yard setbacks of 7 feet and 9 feet in lieu of the minimum required 55 feet and 10 feet respectively.

A site visit was conducted on August 22, 2018.

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

In lacking a signature by the property owners the petition is atypical from those the Department normally reviews. The Department will concur with the determination of the Administrative Law Judge as to the appropriateness of the filing.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

AVA/JGN/LTM/

c: Krystle Patchak
John Motsco, Little and Associates, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

s:\planning\dev rev\zac\zacs 2019\19-051.docx

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: September 20, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0051-A
Address 308 Oberle Avenue
(Heuter Property)

Zoning Advisory Committee Meeting of **September 24, 2018**.

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

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

   This property is located within an Intensely Developed Area (IDA) in the Chesapeake Bay Critical Area (CBCA) and any development will need to address the 10% pollutant reduction requirements to minimize adverse impacts on water quality that result from the development activities. The zoning relief requested for the existing structures/uses can be supported by EPS provided that any new development complies with residential 10% pollutant reduction requirements.

2. Conserve fish, wildlife, and plant habitat; and

   The zoning request will not result in any impacts to forest, streams, wetlands, or Critical Area buffers. By meeting the 10% pollutant reduction requirements for any proposed development on the property, watershed impacts can be better managed, and this can aid in the conservation of fish, wildlife, and plant habitat in the area.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

   The zoning relief requested will be consistent with established land-use policies provided that the applicants meet all Critical Area requirements for the proposed development.

Paul Dennis, Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
AUG 27 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 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0051-A
Address 308 Oberle Avenue
(Kane Property)

Zoning Advisory Committee Meeting of **August 27, 2018**.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

   This property is located within an Intensely Developed Area (IDA) in the Chesapeake Bay Critical Area (CBCA) and any development will need to address the 10% pollutant reduction requirements to minimize adverse impacts on water quality that result from the development activities. The zoning relief requested for the existing structures/uses can be supported by EPS provided that any new development complies with residential 10% pollutant reduction requirements.

2. Conserve fish, wildlife, and plant habitat; and

   The zoning request will not result in any impacts to forest, streams, wetlands, or Critical Area buffers. By meeting the 10% pollutant reduction requirements for any proposed development on the property, watershed

impacts can be better managed, and this can aid in the conservation of fish, wildlife, and plant habitat in the area.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

   The zoning relief requested will be consistent with established land-use policies provided that the applicants meet all Critical Area requirements for the proposed development.

Paul Dennis, Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: September 11, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 27, 2018
Item No. 2019-0045-A, 0046-A, 0048-A, 0050-A and 0051-A

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 October 4, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 24, 2018
Item No. 2019-0051-A, 0062-A, 0075-A, 0077-SPH and 0078-A

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

* * * * *

VKD: cen
cc: file

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 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0051-A
Address 308 Oberle Avenue
(Kane Property)

Zoning Advisory Committee Meeting of **August 27, 2018**.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

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   The zoning relief requested will be consistent with established land-use policies provided that the applicants meet all Critical Area requirements for the proposed development.

Paul Dennis, Environmental Impact Review

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: September 20, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0051-A
Address 308 Oberle Avenue
(Heuter Property)

Zoning Advisory Committee Meeting of **September 24, 2018**.

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

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

   This property is located within an Intensely Developed Area (IDA) in the Chesapeake Bay Critical Area (CBCA) and any development will need to address the 10% pollutant reduction requirements to minimize adverse impacts on water quality that result from the development activities. The zoning relief requested for the existing structures/uses can be supported by EPS provided that any new development complies with residential 10% pollutant reduction requirements.

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3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

   The zoning relief requested will be consistent with established land-use policies provided that the applicants meet all Critical Area requirements for the proposed development.

Paul Dennis, Environmental Impact Review

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 9/24/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-051

INFORMATION:
Property Address: 308 Oberle Avenue
Petitioner: Thomas J. Kane, III, Patrick D. Kane
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit an existing dwelling in a DR 5.5 zone with a lot width of 50 feet and side yard setbacks of 7 feet and 9 feet in lieu of the minimum required 55 feet and 10 feet respectively.

A site visit was conducted on August 22, 2018.

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

In lacking a signature by the property owners the petition is atypical from those the Department normally reviews. The Department will concur with the determination of the Administrative Law Judge as to the appropriateness of the filing.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

AVA/JGN/LTM/

c: Krystle Patchak
John Motsco, Little and Associates, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

s:\planning\dev rev\zac\zacs 2019\19-051.docx

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

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

Date: 8/20/18

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. 2019-0051-A
Variance
Thomas F. Konetti, Patrick D. Kane
308 Oberle Avenue

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

CASE NO. 2019-0051-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
10/4	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	No Comment
9/20	DEPS (if not received, date e-mail sent _____)	Comment
	FIRE DEPARTMENT	
9/24	PLANNING (if not received, date e-mail sent _____)	No Comment
8/20	STATE HIGHWAY ADMINISTRATION	No Objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 10/12/18

SIGN POSTING (1st) Date: 10/10/18 by Pulson

SIGN POSTING (2nd) Date: 10/28/18 by Pulson

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 - 15 Account Number - 1512200591**

Owner Information

Owner Name:	HUETER DANIEL C HUETER KELLY A	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	308 OBERLE AVE ESSEX MD 21221-4704	**Deed Reference:**	/40232/ 00173

Location & Structure Information

Premises Address:	308 OBERLE AVE ESSEX 21221-4704	**Legal Description:**	0.191 AC PT LT 13 308 OBERLE AVE NS GRAFOLIO

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0090	0020	0660		0000			13	2018	Plat Ref:	0004/ 0190

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

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1963	1,361 SF		0.1910 AC	04

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

Value Information

	Base Value	Value As of 01/01/2018	Phase-in Assessments As of 07/01/2018	As of 07/01/2019
Land:	74,500	74,500		
Improvements	91,100	89,300		
Total:	165,600	163,800	163,800	163,800
Preferential Land:	0			0

Transfer Information

Seller: KFI PROPERTIES 3 LLC	**Date:** 05/09/2018	**Price:** $159,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /40232/ 00173	**Deed2:**
Seller: KFI PROPERTIES 3 LLC	**Date:** 04/19/2018	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /40163/ 00295	**Deed2:**
Seller: LEWIS ELIZABETH B	**Date:** 08/31/2017	**Price:** $140,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /39345/ 00439	**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

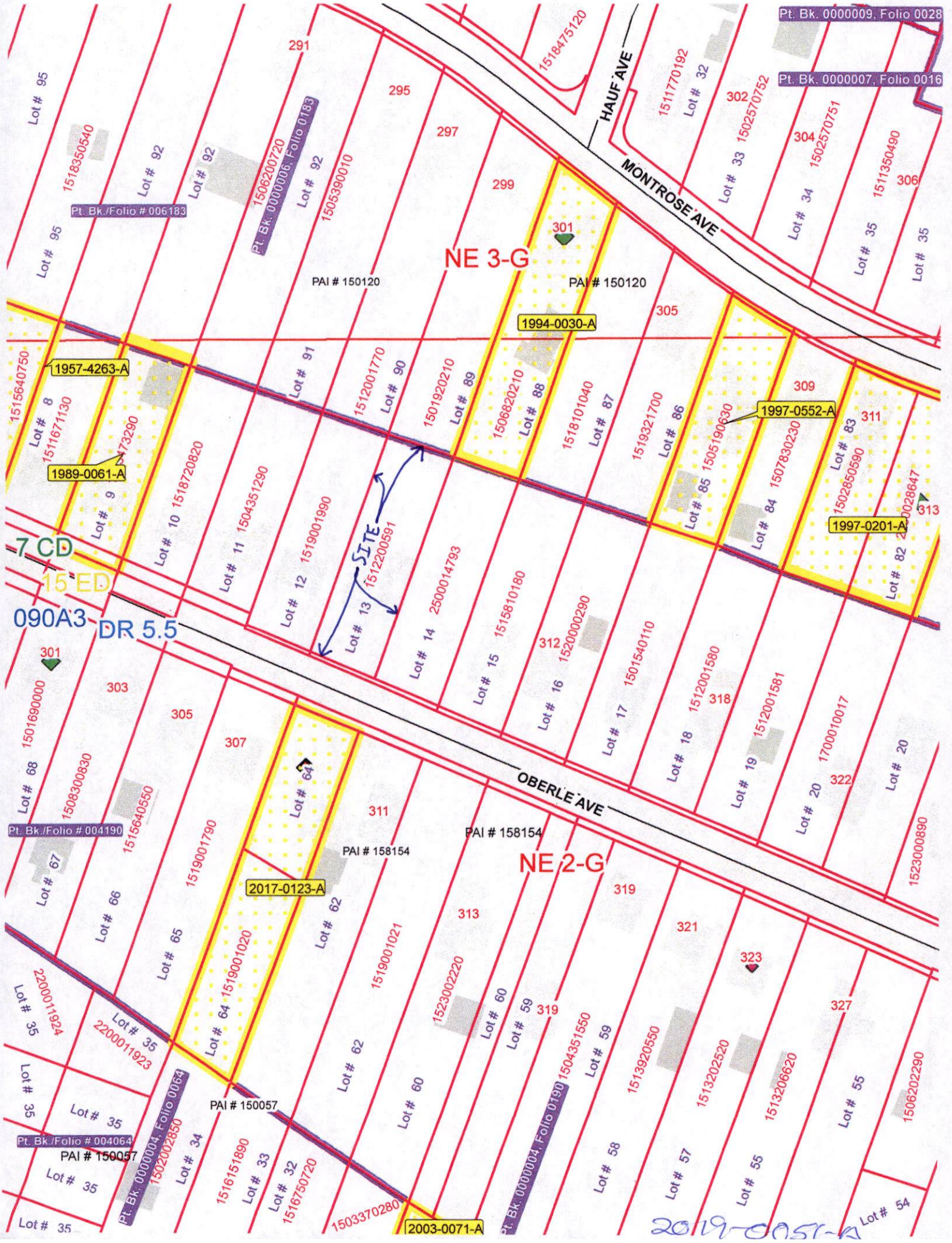
Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

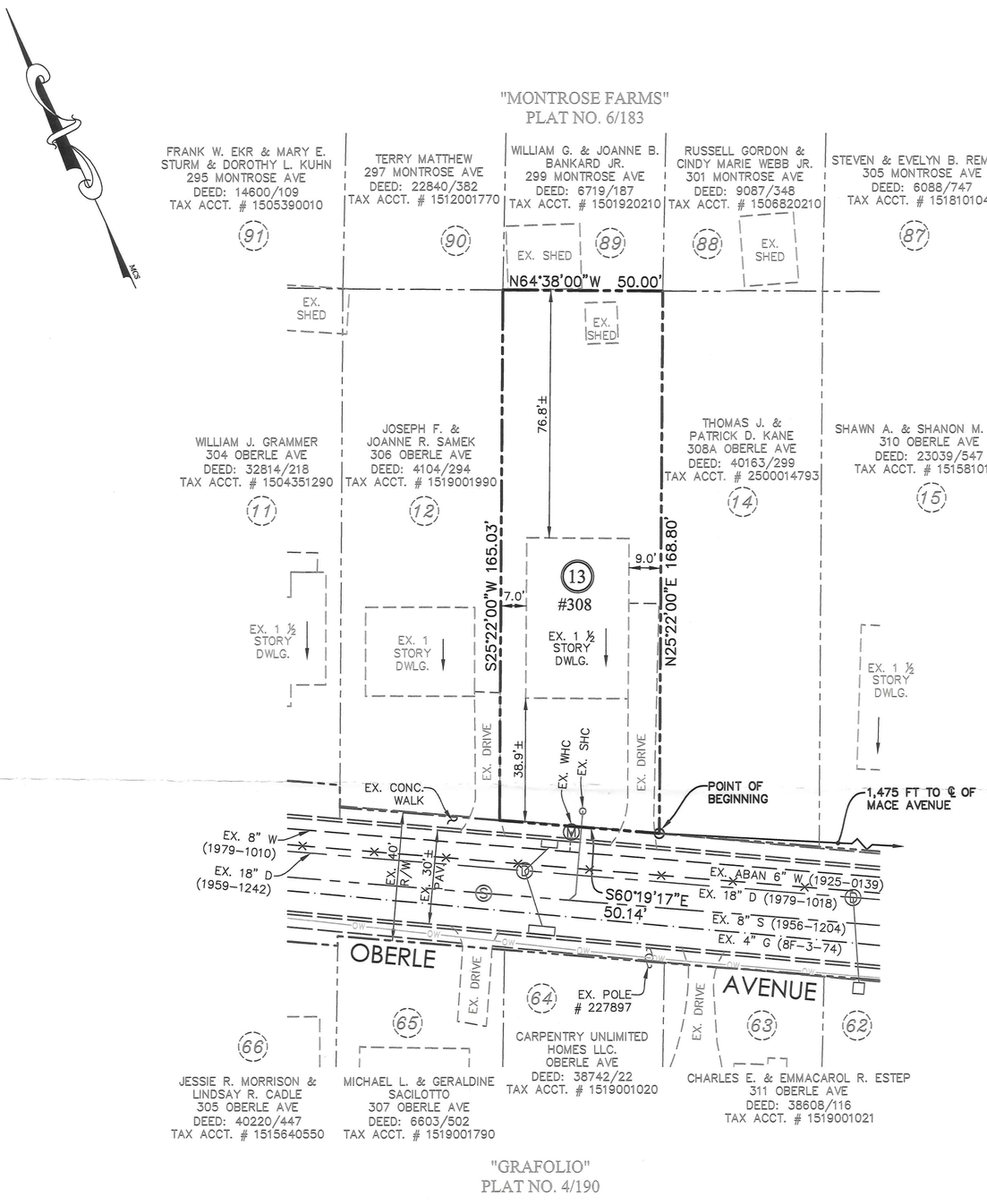

HAUF AVE
MONTROSE AVE
OBERLE AVE
NE 3-G
NE 2-G
SITE
7 CD
15 ED
090A3
DR 5.5
PAI # 150120
PAI # 150120
PAI # 158154
PAI # 158154
PAI # 150057
PAI # 150057
1994-0030-A
1957-4263-A
1989-0061-A
1997-0552-A
1997-0201-A
2017-0123-A
2003-0071-A
Pt. Bk./Folio # 006183
Pt. Bk. 0000006, Folio 0183
Pt. Bk. 0000009, Folio 0028
Pt. Bk. 0000007, Folio 0016
Pt. Bk./Folio # 004190
Pt. Bk. 0000004, Folio 0064
Pt. Bk./Folio # 004064
Pt. Bk. 0000004, Folio 0190
2019-0051-A

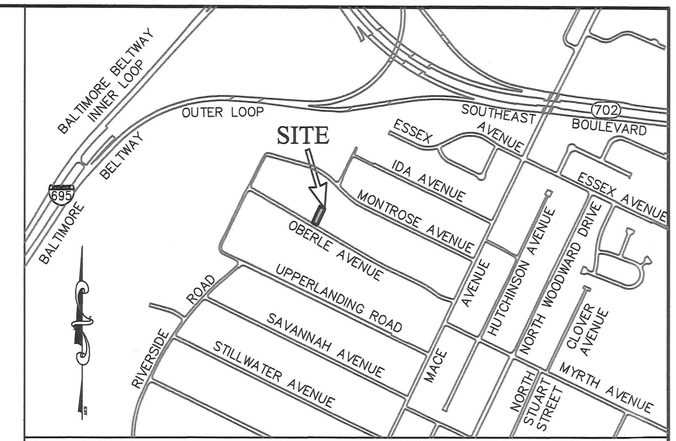
Case No.: 2019-0051-A

Exhibit Sheet

Petitioner/Developer 12-4-18 Protestant SLn 11-2-18

No. 1	Site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





VICINITY MAP

SCALE: 1"=1,000'

SITE DATA

1. NET/GROSS TRACT AREA: 0.192 AC± (8,346 SF)
2. THE SITE IS ZONED DR 5.5, 200 SCALE MAP #090A3
3. OWNER:
   DANIEL C. & KELLY A. HUETER
   308 OBERLE AVENUE
   ESSEX, MD 21221
4. TAX ACCT. #: 1512200591
5. DEED: 40232/173
6. PLAT: 4/190 LOT: 13
7. MAP: 90 GRID: 20 PARCEL: 660
8. ELECTION DISTRICT: 15 COUNCILMANIC DISTRICT: 7
9. THIS SITE IS LOCATED WITHIN THE BACK RIVER 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 LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA AND IS DESIGNATED AS BEING IN THE INTENSELY DEVELOPED AREA.
13. THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
14. THIS SITE HAS NO ACTIVE ZONING VIOLATIONS.
15. CURRENT USE: RESIDENTIAL
16. PROPOSED USE: RESIDENTIAL

PRIOR ZONING HISTORY

NO PRIOR ZONING HISTORY.

VARIANCE REQUESTED RELIEF

I. VARIANCE FROM SECTION 1B02.3.C.1 BCZR AS FOLLOWS:

"A" VARIANCE TO PERMIT A ~~PROPOSED~~ EXISTING DWELLING IN A DR-5.5 ZONE WITH A LOT WIDTH OF 50.0 FEET IN LIEU OF THE MINIMUM REQUIRED 55.0 FEET.

"B" VARIANCE TO PERMIT A ~~PROPOSED~~ EXISTING DWELLING IN A DR-5.5 ZONE WITH SIDE YARD SETBACKS OF 7.0 FEET AND 9.0 FEET IN LIEU OF THE MINIMUM REQUIRED 10.0 FEET.

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

CASE NO.: 2019-0051-A

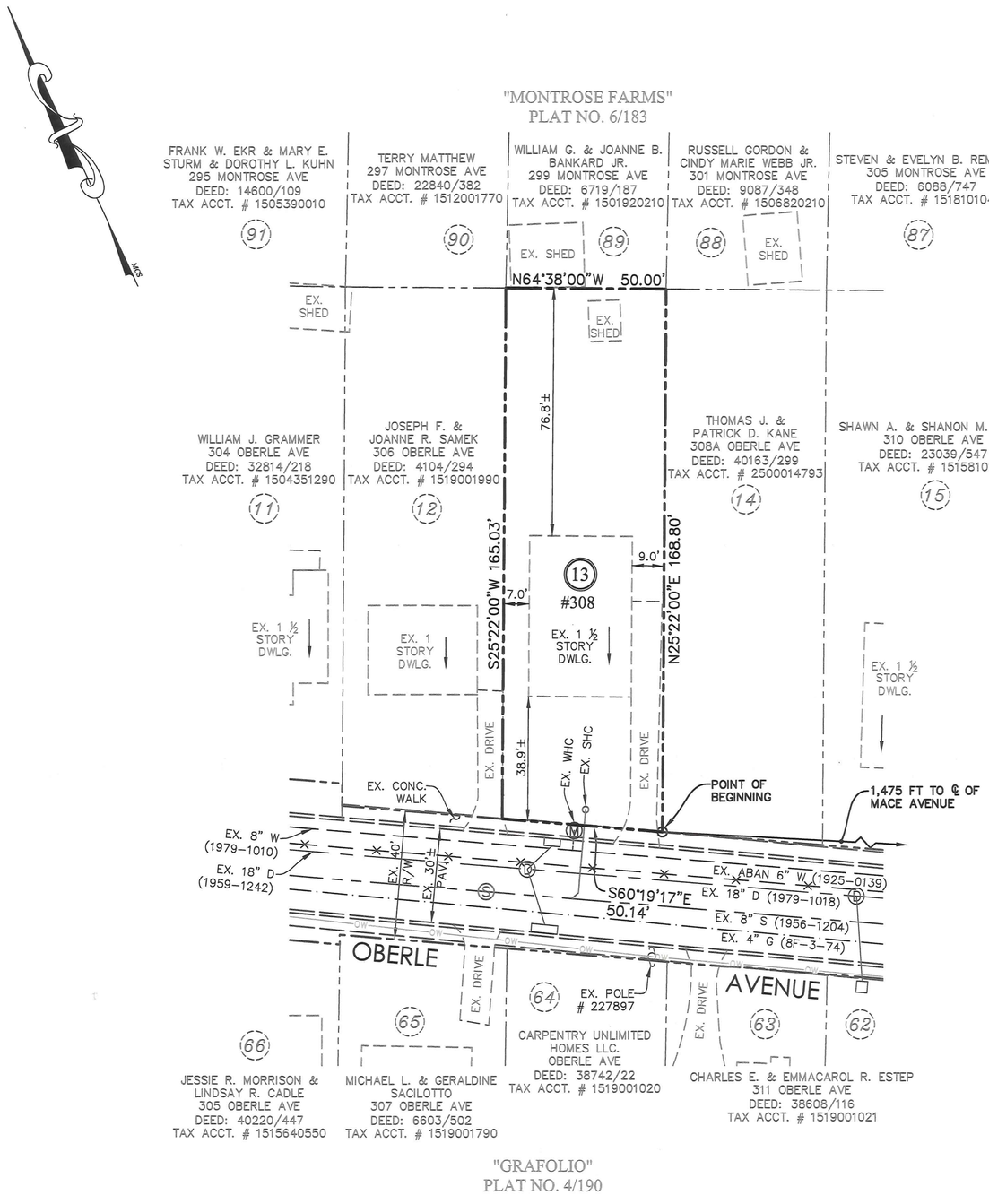
PLAN TO ACCOMPANY
PETITION FOR VARIANCE

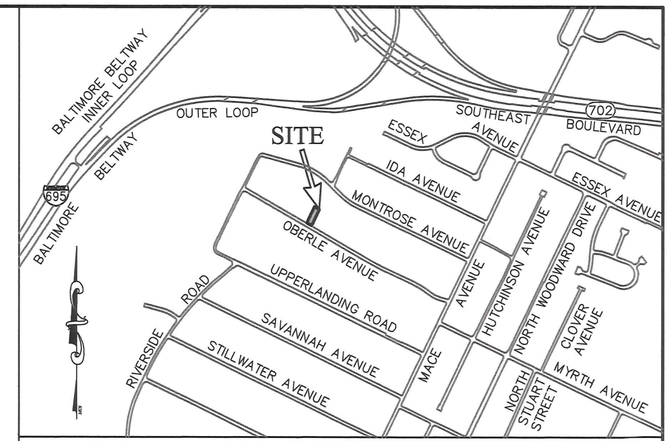
#308 OBERLE AVENUE

DISTRICT 15c7
SCALE: 1"=30'

BALTIMORE COUNTY, MD
AUGUST 14, 2018

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





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CASE NO.: 2019-0051-A

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PETITION FOR VARIANCE

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DISTRICT 15c7
SCALE: 1"=30'

BALTIMORE COUNTY, MD
AUGUST 14, 2018

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TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

18351

PET. No. 1