

MEMORANDUM

DATE: July 5, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0268-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 3, 2019. 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

(8248 Northview Road)

12th Election District

1st Council District

William R. & Julie A. Kinkel

Legal Owners

Petitioners

*

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*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0268-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by William R. & Julie A. Kinkel, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from Section 417.4 of the Baltimore County Zoning Regulations (“BCZR”) to permit a replacement pier with setbacks from the established divisional property lines of 0 ft. and 0 ft. and open access strips between facilities of adjoining property owners of 12 ft. and 15 ft. in lieu of the required 20 ft. and 20 ft. A site plan was marked as Petitioners’ Exhibit 1.

William Kinkel and David Billingsley appeared in support of the petition. One neighbor attended the hearing to obtain additional information regarding the request. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability (“DEPS”). That agency did not oppose the request.

The property is approximately 4,750 square feet in size and is zoned DR 5.5. The waterfront lot is improved with a small single-family dwelling constructed in 1945. Petitioners have an existing pier which is in poor condition. They propose to replace (and extend) the existing pier but require zoning relief to do so. Petitioners originally proposed to construct an 8'

ORDER RECEIVED FOR FILING

Date 6-3-19

By Sen

x 8' platform off of the pier. However, their neighbor opposed that aspect of the plan and the pier was removed as shown on the amended site plan marked as Petitioners' Exhibit 3.

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 waterfront lot is extremely small and was created by a plat filed long before adoption of the BCZR. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the replacement pier. 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 3rd day of **June, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations ("BCZR") to permit a replacement pier as shown on Petitioners' Ex. 3 with setbacks from the established divisional property lines of 2 ft. and 0 ft. and open access strips between facilities of adjoining property owners of 12 ft. and 15 ft. in lieu of the required 10 ft., 10 ft., 20 ft. and 20 ft., respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of permits, Petitioners must comply with critical area regulations.

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2 Date 6-3-19

By Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 6-3-19

3 By slh



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 8248 NORTHVIEW ROAD Currently zoned DR5.5
 Deed Reference 408031 390 10 Digit Tax Account # 1207029460
 Owner(s) Printed Name(s) WILLIAM R. AND JULIE A. KINKEL

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

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

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

1. X **ADMINISTRATIVE VARIANCE** from Section(s)
SECTION 417.4 (BCZR) TO PERMIT A REPLACEMENT PIER AND A PLATFORM WITH SETBACKS FROM THE ESTABLISHED DIVISIONAL PROPERTY LINES OF 0 FEET AND 0 FEET AND OPEN ACCESS STRIPS BETWEEN FACILITIES OF ADJOINING PROPERTY OWNERS OF 12 FEET AND 15 FEET IN LIEU OF THE REQUIRED 10 FEET, 10 FEET, 20 FEET AND 20 FEET respectively
 of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

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

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

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

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 Date 6-3-19
sen

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

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Owner(s)/Petitioner(s):

WILLIAM R. KINKEL JULIE A. KINKEL

Name #1 – Type or Print

Name #2 – Type or Print

William R. Kinkel
 Signature #1

Julie A. Kinkel
 Signature #2

8248 NORTHVIEW RD. DUNDALK MD
 Mailing Address City State

21222 / /
 Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name- Type or Print

David Billingsley
 Signature

601 CHARWOOD CT. EDGEWOOD MD.
 Mailing Address City State

21040 (410) 679-8719 / dwh0209@yahoo.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 2019-0268-A Filing Date 3/3/19 Estimated Posting Date 3/24/19 Reviewer gn

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 8248 NORTHVIEW RD. DUNDALK MD. 21222
Print or Type Address of property City State Zip Code

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

We are in need of replacing our existing pier. In order to obtain some additional water depth, we would like to extend the length approximately 25 to 30 feet. Because of the layout of the existing bulkheads, facilities owned by adjacent owners and the established divisional property lines, it is impossible to maintain the required 20 foot access strip and 10 foot setback from the established divisional property lines.

We intend to review the request with our neighbors and ask that they forward correspondence to the ALJ approving same.

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

William R. Kinkel
Signature of Owner (Affiant)

WILLIAM R. KINKEL
Name- Print or Type

Julie A. Kinkel
Signature of Owner (Affiant)

JULIE A. KINKEL
Name- Print or Type

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

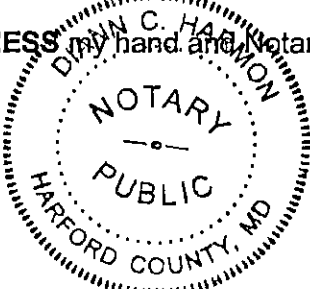
STATE OF MARYLAND, COUNTY OF HARFORD ~~BALTIMORE~~, to wit:

I HEREBY CERTIFY, this 8th day of MARCH, 2019, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: WILLIAM R. & JULIE A. KINKEL

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

AS WITNESS my hand and Notaries Seal



Danni C. Harmon
Notary Public
01.21.23
My Commission Expires

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

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:

5/10/2019

Order #: 11739023
Case #: 2019-0268-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0268-A



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: 2019-0268-A

8248 Northview Road

N/side of Northview Road, n/west of Bullneck Court

12th Election District - 1st Councilmanic District

Legal Owners: William & Julie Kinkel

Variance to permit a replacement pier and a platform with a setback from the established divisional property lines of 0 ft. and 0 ft. and open access strips between facilities of adjoining property owners of 12 ft. and 15 ft. in lieu of the required 10 ft., 10 ft., 20 ft. and 20 ft., respectively.

Hearing: Friday, May 31, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

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.

my10

CERTIFICATE OF POSTING



RECERTIFY 5/27/19

Date: MAY 11, 2019

RE: Project Name: 8248 NORTHVIEW ROAD #1
Case Number /PAI Number: 2019-0268-A
Petitioner/Developer: KINKEL
Date of Hearing/Closing: MAY 31, 2019

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 8248 NORTHVIEW ROAD

The sign(s) were posted on

May 27, 2019 8:42:06 AM

RECERTIFY 5/27/19
MAY 11, 2019

(Month, Day, Year)

David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



CERTIFICATE OF POSTING

RECERTIFY 5/27/19

Date: MAY 11, 2019

RE: Project Name: 8248 NORTHVIEW ROAD #2
Case Number /PAI Number: 2019-0268-A
Petitioner/Developer: KINKEL
Date of Hearing/Closing: MAY 31, 2019

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 8248 NORTHVIEW ROAD

RECERTIFY 5/27/19

MAY 11, 2019

The sign(s) were posted on

(Month, Day, Year)

David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

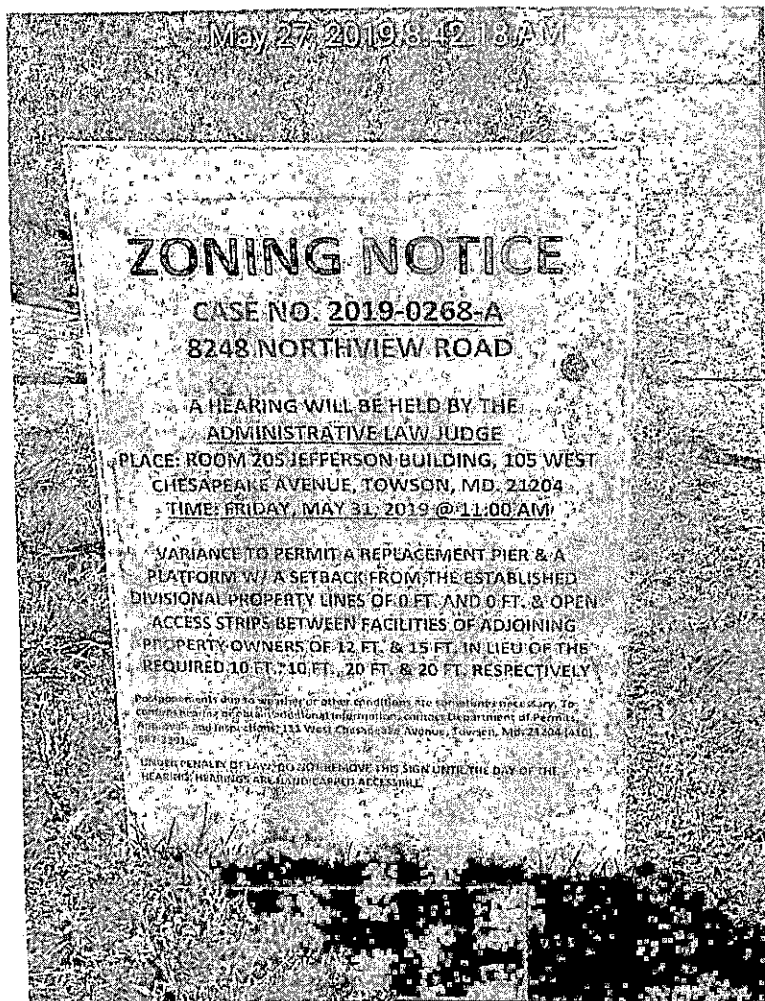
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



CERTIFICATE OF POSTING

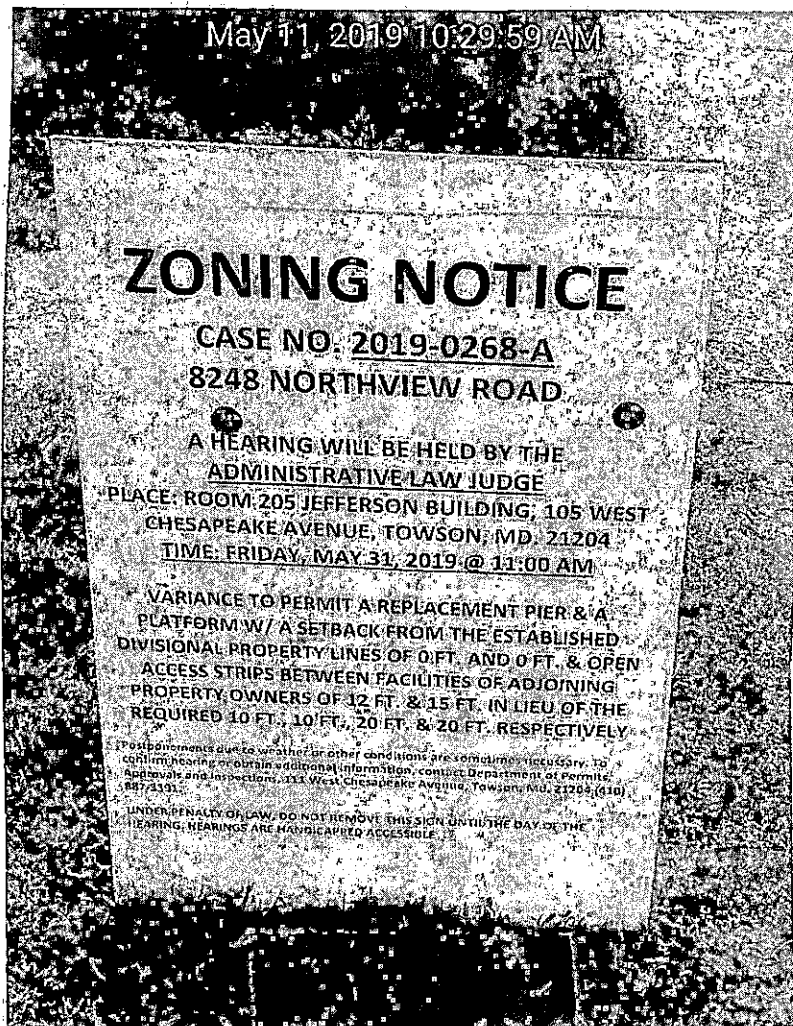
Date: MAY 11, 2019

RE: Project Name: 8248 NORTHVIEW ROAD #2
Case Number / PAI Number: 2019-0268-A
Petitioner/Developer: KINKEL
Date of Hearing/Closing: MAY 31, 2019

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 8248 NORTHVIEW ROAD

The sign(s) were posted on MAY 11, 2019

(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

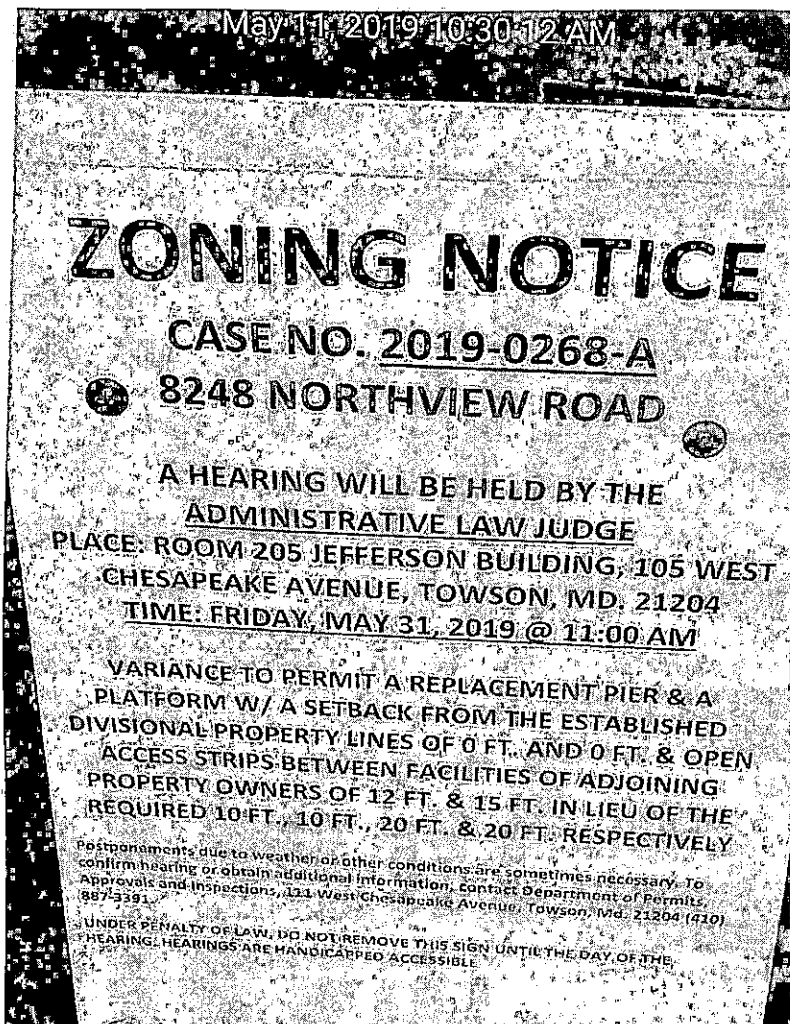
Date: MAY 11, 2019

RE: Project Name: 8248 NORTHVIEW ROAD #1
Case Number /PAI Number: 2019-0268-A
Petitioner/Developer: KINKEL
Date of Hearing/Closing: MAY 31, 2019

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 8248 NORTHVIEW ROAD

The sign(s) were posted on MAY 11, 2019

(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

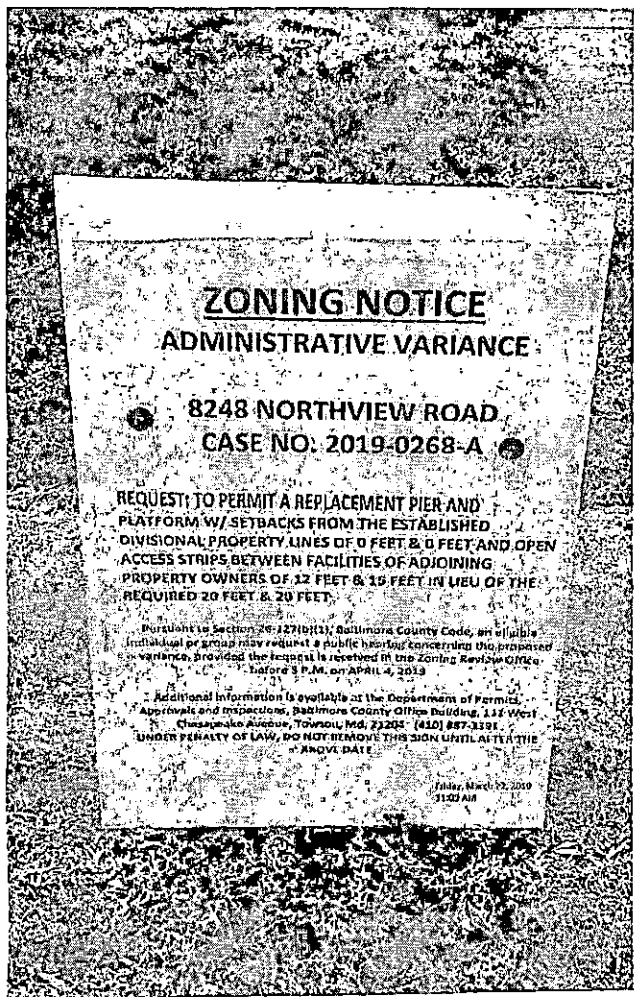
CERTIFICATE OF POSTING

Date: MARCH 22, 2019

RE: Project Name: 8248 NORTHVIEW ROAD #2
Case Number /PAI Number: CASE NO. 2019-0268-A
Petitioner/Developer: KINKEL
Date of Hearing/Closing: APRIL 8, 2019

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 8248 NORTHVIEW ROAD

The sign(s) were posted on MARCH 22, 2019
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

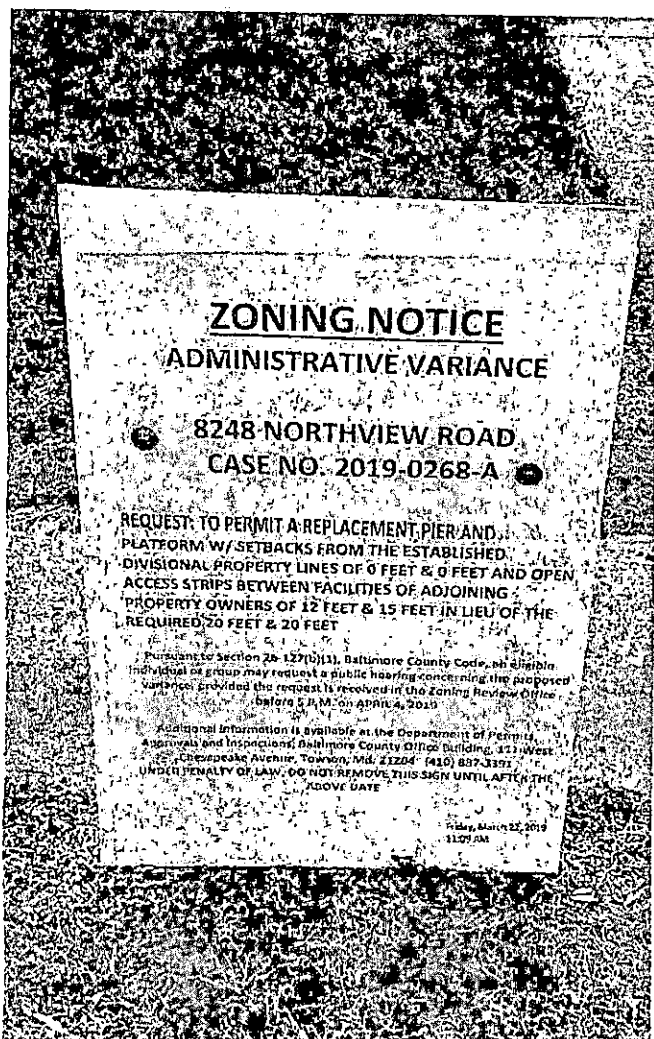
CERTIFICATE OF POSTING

Date: MARCH 22, 2019

RE: Project Name: 8248 NORTHVIEW ROAD #2
Case Number /PAI Number: CASE NO. 2019-0268-A
Petitioner/Developer: KINKEL
Date of Hearing/Closing: APRIL 8, 2019

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 8248 NORTHVIEW ROAD

The sign(s) were posted on MARCH 22, 2019
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

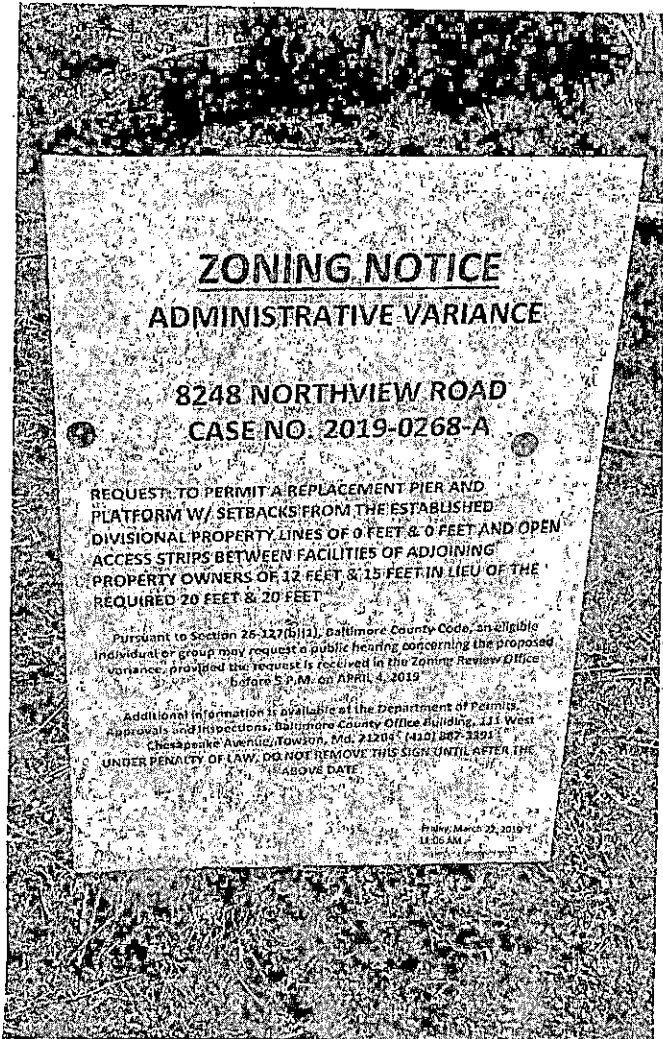
CERTIFICATE OF POSTING

Date: MARCH 22, 2019

RE: Project Name: 8248 NORTHVIEW ROAD #1
Case Number /PAI Number: CASE NO. 2019-0268-A
Petitioner/Developer: KINKEL
Date of Hearing/Closing: APRIL 8, 2019

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The sign(s) were posted on MARCH 22, 2019
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2019-0268-A

Address: 8248 NORTHVIEW ROAD

Petitioner(s): WILLIAM KINKEL

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Bruce Scoppins
Name - Type or Print

(☒) Legal Owner OR (☐) Resident of

8246 NORTHVIEW ROAD
Address

BALTIMORE MD. 21222
City State Zip Code

(410) 456-9104
Telephone Number

which is located approximately 0' feet from the property, which is the subject of the above petition, **do hereby formally demand that a public hearing be set in this matter.**
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

Bruce Scoppins
Signature

3-29-2019
Date



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

April 30, 2019

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: 2019-0268-A

8248 Northview Road
N/side of Northview Road, n/west of Bullneck Court
12th Election District – 1st Councilmanic District
Legal Owners: William & Julie Kinkel

Variance to permit a replacement pier and a platform with a setback from the established divisional property lines of 0 ft. and 0 ft. and open access strips between facilities of adjoining property owners of 12 ft. and 15 ft. in lieu of the required 10 ft., 10 ft., 20 ft. and 20 ft., respectively.

Hearing: Friday, May 31, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, appearing to read "Mike Mohler".

Mike Mohler
Acting Director

MM:kl

C: Mr. & Mrs. Kinkel, 8248 Northview Road, Dundalk 21222
David Billingsley, 601 Charwood Court, Edgewood 21040
Bruce Scoggins, 8246 Northview Road, Dundalk 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 11, 2019.**
- (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, May 10, 2019 - Issue

Please forward billing to:
William Kinkel
8248 Northview Road
Dundalk, MD 21222

410-679-8719

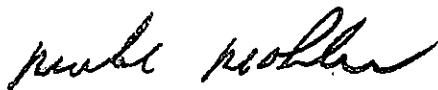
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N/side of Northview Road, n/west of Bullneck Court
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Legal Owners: William & Julie Kinkel

Variance to permit a replacement pier and a platform with a setback from the established divisional property lines of 0 ft. and 0 ft. and open access strips between facilities of adjoining property owners of 12 ft. and 15 ft. in lieu of the required 10 ft., 10 ft., 20 ft. and 20 ft., respectively.

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Mike Mohler
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.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 2019- 0268 -A Address 8248 Northview Rd 21222Contact Person: Gary Huick Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 3/13/19 Posting Date: 3/24/19 Closing Date: 4/8/19

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

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for 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.
- 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.
- 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 FORMATCase Number 2019- 0268 -A Address 8248 Northview Rd 21222Petitioner's Name William R. and Julie A. Kinkel Telephone _____Posting Date: 3/24/19 Closing Date: 4/8/19Wording for Sign: To Permit a replacement pier and Platform with setbacks from the established division property lines of 0 feet and 0 feet and open access strips between facilities of adjoining property owners of 12 feet and 18 feet in lieu of the required 10 feet and 10 feet, 20 feet and feet

Revised 6/30/2019

**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/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

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

For Newspaper Advertising:

Case Number: 2019-0268-A
Property Address: 8248 NORTHVIEW RD
Property Description: _____
Legal Owners (Petitioners): WILLIAM & JULIE KINKEL
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: WILLIAM KINKEL
Company/Firm (if applicable): _____
Address: 8248 NORTHVIEW ROAD
BALTO, MD. 21222
Telephone Number: (410) 679-8719

Revised 7/9/2015

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

No. **181956**

PAID RECEIPT

Date **3/13/19**

BUSINESS ACTUAL TIME DRN
 3/14/2019 3/13/2019 09:13:33 5

REG WSUS WALKIN LRB
 >>RECEIPT # 999302 3/13/2019 OFLN

Dept 5 528 ZONING VERIFICATION

Amount: 181954

Rec'd Tot \$ 75.00

77.60 OT

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	904	6000		6150					75.00

Total: **75.00**

Rec From: **Dave B. Hingley**

For: **3048 Northview Rd**

2019-0263-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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

No. **182618**

Date: **3/29/19**

BUSINESS ACTUAL TIME DRW
 4/01/2019 3/29/2019 12:51:47 5

REG-MS05 WALKIN LRB
 >>RECEIPT # 001842 3/29/2019 OFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 182618

Receipt Tot \$ 60.00
 .00 CK 60.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$60 -

Total: **\$60 -**

Rec
 From:

BRUCE SCOGGINS

For:

2019-0268-A

DEMAND FOR HEARING

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

May 21, 2019

William R. Kinkel & Julie A. Kinkel
8248 Northview Road
Dundalk MD 21222

RE: Case Number: 2019-0268-A, 8248 Northview Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 13, 2019. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

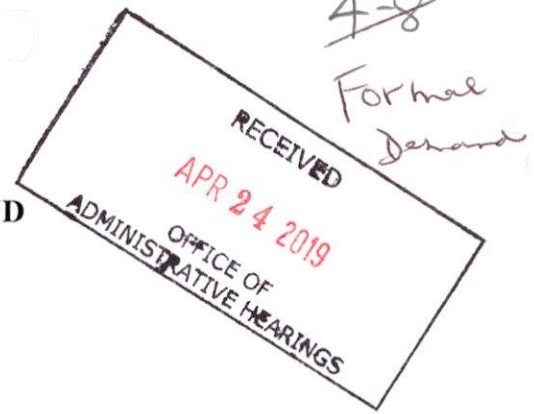
WCR/kl

Enclosures

c: People's Counsel
David Billingsley 601 Charwood Court Edgewood Road MD 21040

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: April 24, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0268-A
Address 8248 Northview Road
(Kinkel Property)

Zoning Advisory Committee Meeting of **March 25, 2019**.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

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;

The subject property is located within an Intensely Developed Area (IDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to permit a replacement pier with less divisional property line setbacks and open access strips than permitted. The site plan shows a proposed 80 foot long pier. The Critical Area regulations allow private piers on grandfathered riparian lots such as this. The IDA and MBA requirements do not apply to structures out over the water. Therefore the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

Piers are permitted with grandfathered riparian lots. As proposed the pier meets Critical Area requirements and thus will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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 Critical Area regulations allow for private piers on waterfront lots. Therefore the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals

FROM: *ML*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

DATE: April 2, 2019

SUBJECT: Zoning Advisory Committee Meeting
For March 25, 2019
Item No. 2019-0265-A, 0266-A, 0268-A, 0269-A, 0270-A & 0271-A

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

* * * * *

VKD: cen
cc: file

Date: 3/20/19

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

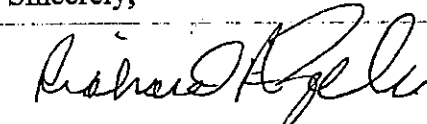
Dear Ms. Lewis:

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. 2018-0268-A.

*Administrative Variance
William R. & Julie A. Kynkel
8248 Northview 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

5/31

Debra Wiley

2019-0268-A

From: Catherine T. Engers
Sent: Monday, June 10, 2019 1:13 PM
To: Administrative Hearings
Subject: FW: Message from "RNP002673B1A535"
Attachments: 20190610130417220.pdf

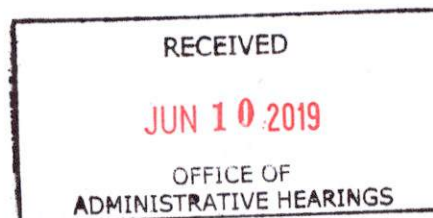
Unfortunately -
Data base and
file contents
all reveal
12th Dist.
and
1st Council
Deb

Hello,

This was sent to us by mistake, it should read District 7. The street name was unfamiliar so I looked it up.

Have a great day.

Cathy Engers
Senior Council Assistant
Councilman Tom Quirk
First District
Baltimore County
410-887-0896
Fax:410-887-1012



Email: cengers@baltimorecountymd.gov

To subscribe to e-mail updates from Baltimore County regarding planning, zoning, development and public works issues in Council District 1 <http://www.baltimorecountymd.gov/Agencies/communityupdates/d1/>

-----Original Message-----

From: BCCDis1Copier@baltimorecountymd.gov <BCCDis1Copier@baltimorecountymd.gov>
Sent: Monday, June 10, 2019 1:04 PM
To: Catherine T. Engers <cengers@baltimorecountymd.gov>
Subject: Message from "RNP002673B1A535"

This E-mail was sent from "RNP002673B1A535" (MP 3054).

Scan Date: 06.10.2019 13:04:16 (-0400)

Queries to: BCCDis1Copier@baltimorecountymd.gov

IN RE: PETITION FOR VARIANCE

(8248 Northview Road)

12th Election District

1st Council District

William R. & Julie A. Kinkel

Legal Owners

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-02686

* * * * *

OPINION AND ORDER

RECEIVED
JUN - 6 2019
COUNTY COUNCIL

This is
District #
7

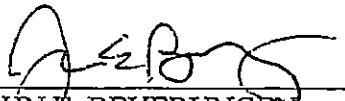
Thx

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by William R. & Julie A. Kinkel, legal owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from Section 417.4 of the Baltimore County Zoning Regulations ("BCZR") to permit a replacement pier with setbacks from the established divisional property lines of 0 ft. and 0 ft. and open access strips between facilities of adjoining property owners of 12 ft. and 15 ft. in lieu of the required 20 ft. and 20 ft. A site plan was marked as Petitioners' Exhibit 1.

William Kinkel and David Billingsley appeared in support of the petition. One neighbor attended the hearing to obtain additional information regarding the request. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Environmental Protection and Sustainability ("DEPS"). That agency did not oppose the request.

The property is approximately 4,750 square feet in size and is zoned DR 5.5. The waterfront lot is improved with a small single-family dwelling constructed in 1945. Petitioners have an existing pier which is in poor condition. They propose to replace (and extend) the existing pier but require zoning relief to do so. Petitioners originally proposed to construct an 8'

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:slm

CASE NAME 8248 NORTHVIEW RD
CASE NUMBER 2019-0268-A
DATE 5-31-19

NAME _____

CITY, STATE, ZIP

E - MAIL

[illegible]

John E. Beverungen

From: David Billingsley <dwb0209@yahoo.com>
Sent: Friday, May 31, 2019 1:31 PM
To: John E. Beverungen
Subject: Re: Case 2019-268 Kinkel

CAUTION: This message from dwb0209@yahoo.com originated from a non-Baltimore County Government or non-BCPL email system. Hover over any links before clicking and use caution opening attachments.

The setbacks from the divisional property lines should be 2 feet and 0 feet. Access strips remain as 12 feet and 15 feet

Thanks

Dave Billingsley
Central Drafting and Design
410-679-8719 OFFICE
410-458-1401 CELL

On Friday, May 31, 2019, 01:27:59 PM EDT, John E. Beverungen <jbeverungen@baltimorecountymd.gov> wrote:

Dave,

After eliminating the 8x8 platform, do the divisional line or access strip setbacks listed in the petition stay the same?



CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

5-31

Formal Demand 418
4-11-19

CASE NO. 2019-

0268-AV

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

4/2

Floodplain

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

N/C

4/24

CSCA

DEPS
(if not received, date e-mail sent _____)

Comment

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)

3/20

STATE HIGHWAY ADMINISTRATION

NO
Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/10/19

SIGN POSTING (1st)

Date:

5/11/19

by

Burlingsley

SIGN POSTING (2nd)

Date:

5/27/19

by

Burlingsley

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Search Result for BALTIMORE COUNTY

Homestead Application Information

Homestead Application Status: Approved 03/18/2019

Homeowners' Tax Credit Application Information

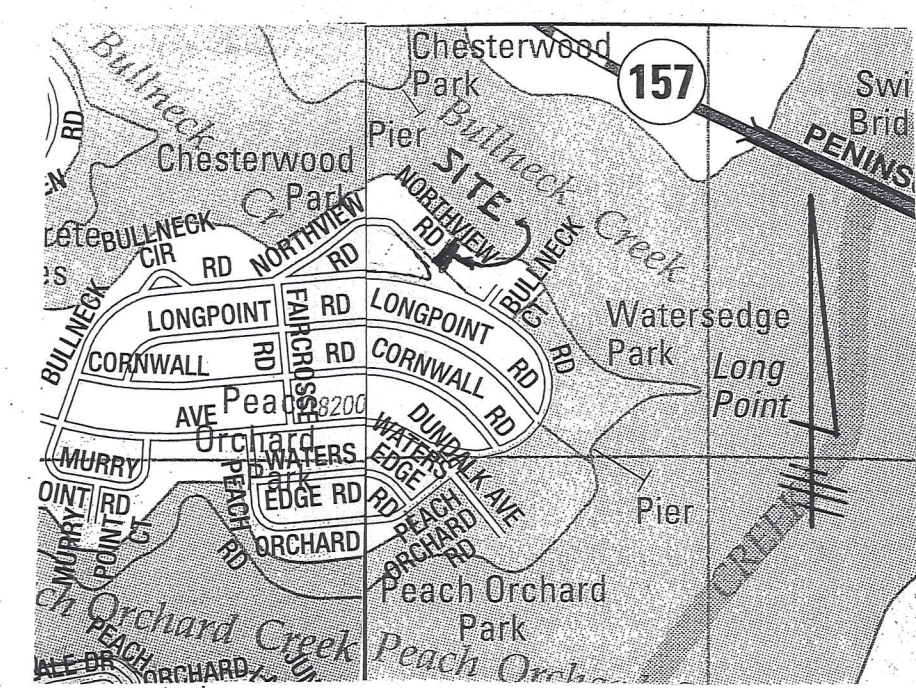
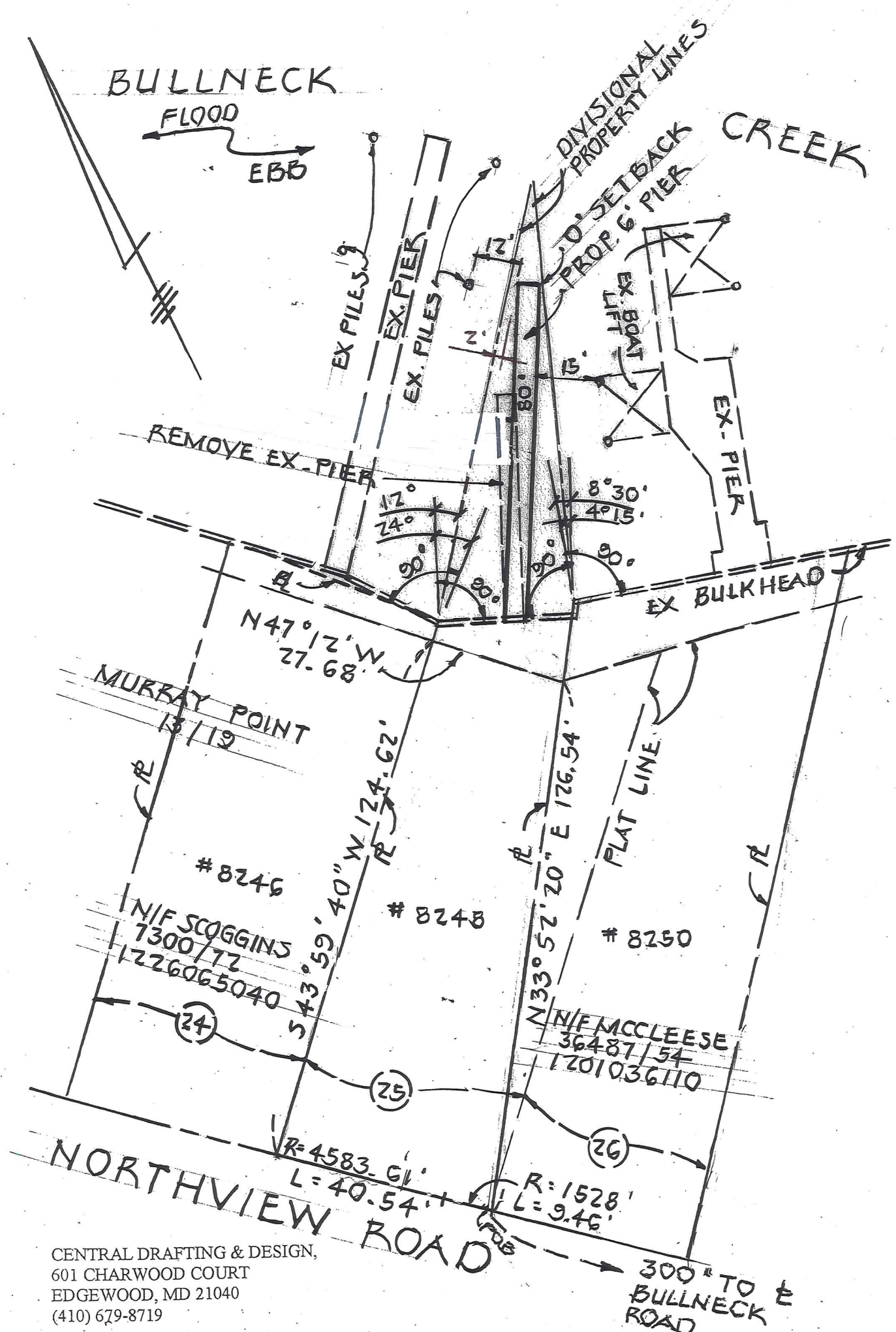
Homeowners' Tax Credit Application Status: No Application

Date:

8248 NORTHVIEW ROAD



PETITIONER'S
EXHIBIT NO. 2



- NOTES:**
1. ZONING.....DR 5.5 (MAP NO. 110C1)
 2. LOT AREA.....5510 S.F. = 0.126 ACRE +/-
 3. PUBLIC WATER AND SEWER
 4. SITE IS LOCATED IN CBCA AND 100 YEAR FLOOD ZONE.
 5. NO ARCHEOLOGICAL SITES OR HISTORIC STRUCTURES OR SITES ARE KNOWN TO EXIST
 6. PREVIOUS ZONING HISTORY:
 CASE NO. R-1943-0303, JANUARY 25, 1943 GRANTING A CHANGE FROM COTTAGE USE TO GROUP USE

OWNER
 WILLIAM R. AND JULIE KINKEL
 8248 NORTHVIEW ROAD
 BALTIMORE, MD. 21222
 DEED REF: L.40803 F.390
 ACCT. NO. 1207029460

PETITIONER'S
EXHIBIT NO. 3

REVISED: MAY 31, 2019
REMOVE PLATFORM

PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE
8248 NORTHVIEW ROAD
 PART OF LOT 25 MURRAY POINT 13/19
 ELECTION DISTRICT 12C1 BALTIMORE COUNTY, MD.
 SCALE: 1 INCH = 30 FEET MARCH 1, 2019

CENTRAL DRAFTING & DESIGN,
 601 CHARWOOD COURT
 EDGEWOOD, MD 21040
 (410) 679-8719

