

## **M E M O R A N D U M**

DATE: October 11, 2019  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2019-0414-A - Appeal Period Expired

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The appeal period for the above-referenced case expired on October 10, 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 ADMIN. VARIANCE | * | BEFORE THE               |
| (16600 Old York Road)               |   |                          |
| 10 <sup>th</sup> Election District  | * | OFFICE OF ADMINISTRATIVE |
| 3 <sup>rd</sup> Council District    |   |                          |
| James M. & Rachel R. Earlbeck       | * | HEARINGS FOR             |
| Petitioners                         |   |                          |
|                                     | * | BALTIMORE COUNTY         |
|                                     | * | CASE NO. 2019-0414-A     |

\* \* \* \* \*

### OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, James M. and Rachel R. Earlbeck (“Petitioners”). The Petitioners are requesting Variance relief pursuant to Section 400.3 of the Baltimore County Zoning Regulations (“BCZR”), to permit an accessory structure (detached garage) with a height of 25 ft. in lieu of the required 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Environmental Protection and Sustainability (“DEPS”) dated August 7, 2019, indicating the following:

“Ground Water Management must review any proposed building permit for a garage, since the property is served by well and septic, and since a bathroom is being proposed to go within the accessory structure.”

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 9, 2019, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 9-10-19

By WJ

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the proposed detached garage's height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

The petition in this case, as was proper, sought relief from the height restrictions set forth in B.C.Z.R. § 400.3. That is the extent of the relief permitted in a variance case. The decision to permit (or not) bathroom facilities must be made by the County's zoning, public works and (in the case of a property served by well and septic) environmental departments.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 10<sup>th</sup> day of **September, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations ("BCZR"), to permit an accessory structure (detached garage) with a height of 25 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 9-10-19

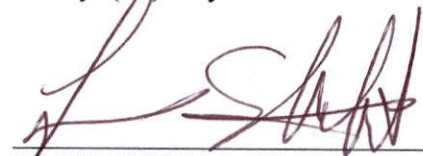
By (signature)



The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners must comply with the DEPS ZAC comment dated August 7, 2019; a copy of which is attached hereto and made a part hereof.
- Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities. Should the aforementioned agencies permit a bathroom and wet bar in this structure, that aspect of Condition No. 3 shall be considered stricken.
- The proposed garage shall not be used for commercial purposes.

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

  
\_\_\_\_\_  
LAWRENCE M. STAHL  
Administrative Law Judge for  
Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 9-10-19

By LMS





# 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 16600 OLD YORK ROAD Currently zoned RCZ  
 Deed Reference 00136 / 00135 10 Digit Tax Account # 22 00 0 00 221  
 Owner(s) Printed Name(s) JAMES MICHAEL EARLBECK / RACHEL ROGERS EARLBECK

(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:

- X **ADMINISTRATIVE VARIANCE** from Section(s) 400.3 BCZR  
To permit an accessory structure (detached garage)  
with a height of 25' in lieu of the required 15'.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

- 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):

JAMES MICHAEL EARLBECK RACHEL ROGERS EARLBECK  
 Name #1 – Type or Print Name #2 – Type or Print

[Signature] / Rachel R. Earlbeck  
 Signature #1 Signature #2

16600 OLD YORK RD MONKTON MD  
 Mailing Address City State

21111 / 410-687-8400 jearlbeck@earlbeck.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

## Representative to be contacted:

PATRICK D. JAPOSINSKI  
 Name – Type or Print

[Signature]  
 Signature

PO BOX 234 RIDGEWOOD MD  
 Mailing Address City State

21204 / 410-444-1017 patrickd.jap@att.net  
 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.

By    Administrative Law Judge for Baltimore County

CASE NUMBER 2019-0414-A Filing Date 7/31/19 Estimated Posting Date    /    /    Reviewer JF



# 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: 16600 OLD YORK ROAD NONKTON MD 21111  
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 'A'

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

[Signature]  
Signature of Owner (Affiant)

JAMES MICHAEL EARLBECK  
Name- Print or Type

[Signature]  
Signature of Owner (Affiant)

RACHEL RIGERS EARLBECK  
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 19 day of July, 2019, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: DAWN VENDOUERN

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

AS WITNESS my hand and Notaries Seal

[Signature]  
Notary Public

5/24/21  
My Commission Expires

Dawnmarie J. Vendouern  
NOTARY PUBLIC  
Baltimore County, Maryland  
My Commission Expires 5/24/2021

REV. 5/5/2016



# Affidavit in Support of Administrative Variance

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

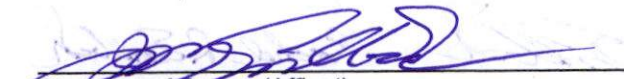
The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in 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: 16600 OLD YORK ROAD MONKTON MD 21111  
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 'A'

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

  
Signature of Owner (Affiant)  
JAMES MICHAEL EARLSBECK  
Name- Print or Type

  
Signature of Owner (Affiant)  
RACHEL DEEPE EARLSBECK  
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

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires





# 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 16600 OLD YORK ROAD Currently zoned RC2  
 Deed Reference 08136 1 00135 10 Digit Tax Account # 22 000 002 21  
 Owner(s) Printed Name(s) JAMES MICHAEL EARLBECK / RACHEL ROGERS EARLBECK

(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:

- X **ADMINISTRATIVE VARIANCE** from Section(s) 400.3 BC2R  
To permit an accessory structure (detached garage)  
with a height of 25' in lieu of the required 15'

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):

JAMES MICHAEL EARLBECK RACHEL ROGERS EARLBECK  
 Name #1 – Type or Print Name #2 – Type or Print

[Signature] Rachel R Earlbeck  
 Signature #1 Signature #2

16600 OLD YORK ROAD MARTIN MD  
 Mailing Address City State  
21111 410 687-8400 jearlbeck@earlbeck.com  
 Zip Code Telephone # Email Address

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

Name- Type or Print  
 Signature  
 Mailing Address City State  
 Date / Telephone # Email Address

Representative to be contacted:

PATRICK D. JAROSINSKI  
 Name – Type or Print  
[Signature]  
 Signature  
PO Box 234 PIDDERWOOD MD  
 Mailing Address City State  
21204 410 494-1017 patrick@pdjassociates.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 9 day of September, 2019, 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 2019-0414-A Filing Date 7/31/19 Estimated Posting Date 8/11/19 Reviewer JF

**Attachment 'A' – 16600 Old York Road, Monkton, Maryland 21111**

The petitioner requests an administrative variance at the above noted address to construct an accessory structure with the overall height of approximately 25' versus the 15' allowed by the zoning laws, in order to complement the other structures on the property and to provide useable space on the second level. The structure will be a 3-car detached garage/workspace with a bathroom, *and Wet bar* located in the rear yard to replace an antiquated and failing structure in the same location. This is and will remain the petitioner's primary residence.





57 WEST TIMONIUM ROAD  
SUITE 210  
TIMONIUM, MD 21093  
PHONE: (410) 252-4444  
WWW.POLARISLC.COM

Zoning Description of  
16600 Old York Road  
10th Election District  
3rd Councilmanic District  
Baltimore County, MD



*[Handwritten signature]*  
7/29/2019

Beginning at a point on the west side of Old York Road at the distance of 1120 feet South of Houcks Mill Road, thence running along the West side of Old York Road  
1) by a curve to the right with a radius of 2883.81 feet and an arc length of 242.09 feet,  
2) S 63° 40' 34" E 5.00 feet, and 3) by a curve to the right with a radius of 2888.81 feet and an arc length of 366.98 feet, thence leaving said road and running 4) N 22° 33' 37" W 982.37 feet and 5) S 65° 22' 21" E 756.29 feet to the point of beginning.

Containing 6.000 acres of land as recorded in deed Liber 8136 Folio 135.



JOHN A. OLSZEWSKI, JR.  
*County Executive*

PAUL M. MAYHEW  
*Managing Administrative Law Judge*  
LAWRENCE M. STAHL  
*Administrative Law Judge*

October 4, 2019

Patrick D. Jarosinski  
P.O. Box 234  
Riderwood, MD 21204

RE: Petition for Administrative Variance  
Case No. 2019-0414-A  
Property: 16600 Old York Road

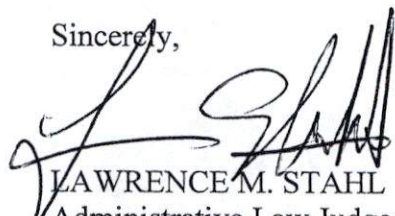
Dear Mr. Jarosinski:

I am in receipt of your correspondence, dated September 27, 2019, regarding language in the above-referenced Order, dated September 10, 2019. In that Order, it clearly sets forth that:

"Should the aforementioned agencies permit a bathroom and wet bar in this structure, that aspect of Condition No. 3 shall be considered stricken."

Therefore, this issue shall be considered moot.

Sincerely,

  
LAWRENCE M. STAHL  
Administrative Law Judge  
for Baltimore County

LMS:dlw  
Enclosure

c: James M. Earlbeck & Rachel R. Earlbeck, 16600 Old York Road, Monkton, MD 21111  
Office of Zoning Review, Department of Permits, Approvals & Inspections,  
111 W. Chesapeake Ave., Room 111, Towson, MD 21204



**PATRICK D. JAROSINSKI & ASSOCIATES**

PO Box 234, Riderwood, Maryland 21139 . 410-262-6708 . 410-494-1017 . [patrick@pdjassociates.com](mailto:patrick@pdjassociates.com) . <http://pdjassociates.com>

September 26, 2019

Judge Lawrence M. Stahl  
Office of Administrative Hearings  
105 West Chesapeake Avenue, Suite 103  
Towson, Maryland 21204

**RE: Reconsideration of Petition for Administrative Variance  
(16600 Old York Road)  
Case Number 2019-0414-A**

Dear Judge Stahl,

Thank you for your positive response to my client's, James M. and Rachel R. Earlbeck request for an administrative variance for case number 2019-0414-A. My client's original request was for the following variances:

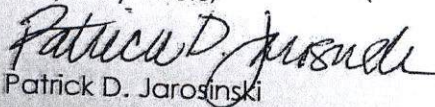
- a) Height - 25' in lieu of 15' for a detached garage,
- b) including a bathroom and wet bar

You approved the height request but denied the request for the bathroom and wet bar. You noted in your third bullet point that "should the county's zoning, public works and environmental departments permit a bathroom and wet bar in this structure, that aspect of Condition No. 3 shall be considered stricken". I have visited each of the departments and the public works and environmental departments have no issue with the request. The zoning department sent me back to your office and I spoke to your administrative assistant who suggested my submitting a re-consideration letter with further detail on the request.

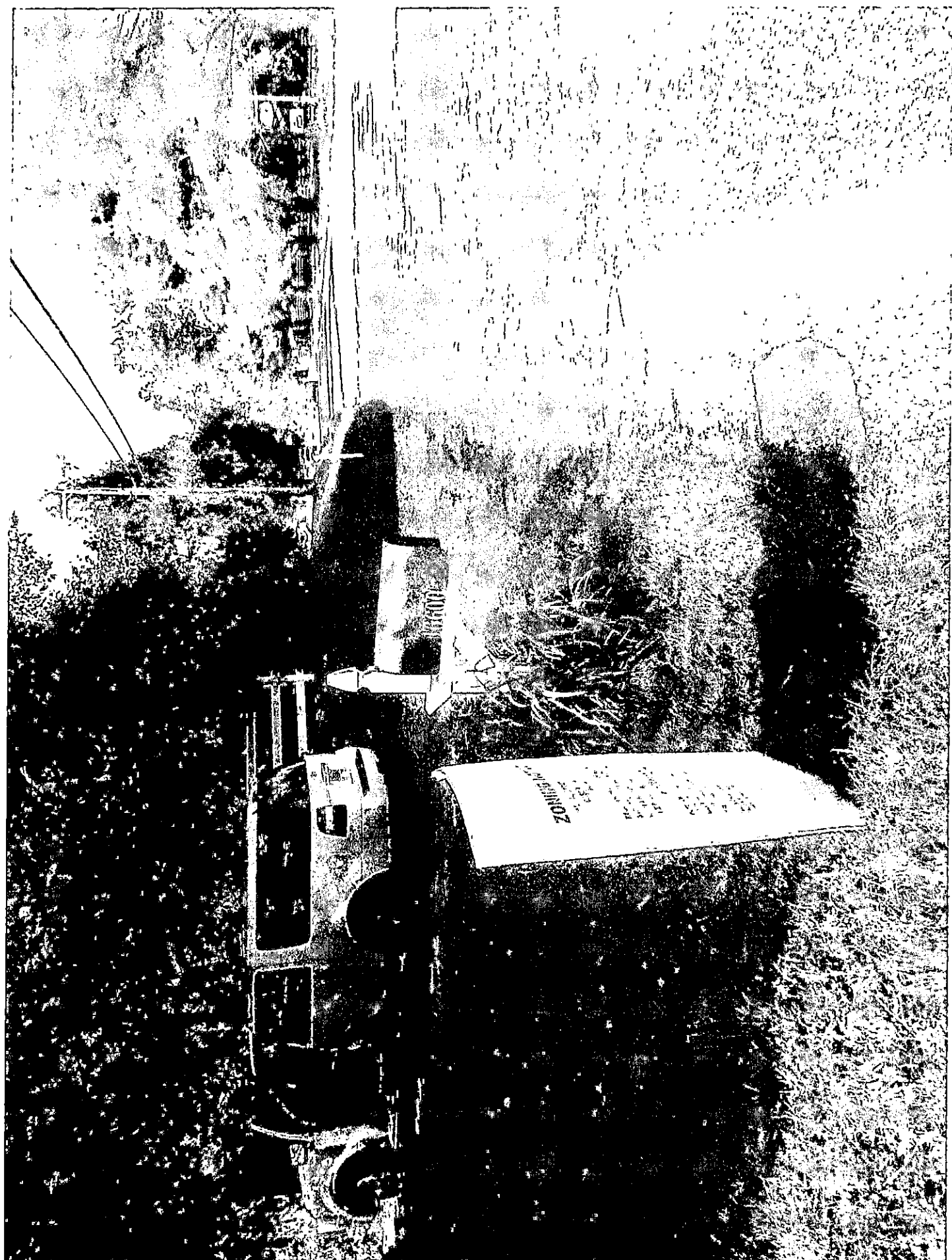
Mr. Earlbeck collects antique cars and maintains them. The new garage is a replacement structure in its current location. The existing garage is very old, in disrepair and not functional for its use, including the lack of running water. Mr. Earlbeck spends a large portion of time in the garage working on the cars. It is not uncommon for his fellow automotive enthusiasts to assist him in performing tasks that are best done with two people. Mrs. Earlbeck would prefer them not coming into the house while they are greasy and dirty to use the bathroom, shower or kitchen before they leave.

My client has ensured me that he will not be using this structure as a dwelling unit or living space and only what it was originally intended for. Therefore, I would like to request a re-consideration to this case to include these components. Thank you for your time and I look forward to hearing from you.

Very Truly Yours,

  
Patrick D. Jarosinski

Cc: Mr. James Earlbeck





# **ZONING NOTICE**

## **ADMINISTRATIVE VARIANCE**

**CASE NO. 2019-0414-A**

**16600 Old York Road**

**REQUEST: TO PERMIT AN ACCESSORY  
STRUCTURE (GARAGE/WORKSPACE)  
WITH A HEIGHT OF 10 FEET IN LIEU OF  
THE REQUIRED 8 FEET.**

### **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 IT IS DONE IN  
THE ZONING OFFICE BEFORE AUGUST 26, 2019.**

**ADDITIONAL INFORMATION IS AVAILABLE AT ZONING  
ADMINISTRATION AND DEVELOPMENT MANAGEMENT, 111 W.  
CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391**

# **ZONING NOTICE**

## **ADMINISTRATIVE VARIANCE**

**CASE NO. 2019-0414-A**

16600 Old York Road

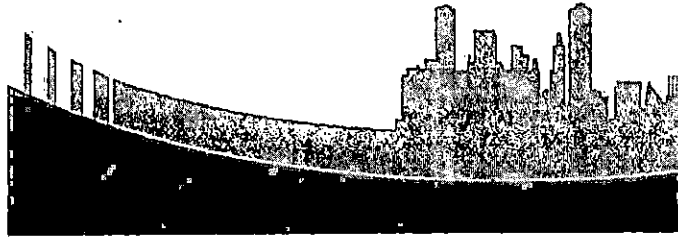
**REQUEST: TO PERMIT AN ACCESSORY  
STRUCTURE (GARAGE)  
WITH A HEIGHT OF 22 FEET, INSTEAD OF  
THE REQUIRED 15 FEET**

### **PUBLIC HEARING**

PURSUANT TO SECTION 20-104 OF THE  
COUNTY CODE, AN ELIGIBLE PROPERTY OWNER  
MAY REQUEST A PUBLIC HEARING CONCERNING  
THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN  
THE ZONING OFFICE BEFORE AUGUST 26, 2019.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING  
ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W.  
CHESAPEAKE AVENUE TOWSON, MD 21204 410-807-3391





## CERTIFICATE OF POSTING

August 13, 2019 (amended \_\_\_\_\_ )

Re:

Zoning Case No. 2019-0414-A

Legal Owner: James & Rachel Earlbeck

Closing date: August 26, 2019

Baltimore County Department of Permits, Approvals & Inspections  
County Office Building  
111 West Chesapeake Avenue, Room 111  
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis / Jun Fernando

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **16600 Old York Road**.

The signs were posted on **August 9, 2019**.

The signs were inspected again on \_\_\_\_\_.

Sincerely,

Bruce E. Doak  
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC  
3801 Baker Schoolhouse Road  
Freeland, MD 21053  
410-419-4906 cell / 443-900-5535 office  
[bdoak@bruceedoakconsulting.com](mailto:bdoak@bruceedoakconsulting.com)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0414 -A Address 16600 OLD YORK RD.

Contact Person: JUN FERNANDO Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 7/31/19 Posting Date: 8/11/19 Closing Date: 8/26/19

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

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- 0414 -A Address 16600 OLD YORK RD.

Petitioner's Name JAMES & RACHEL EARLBECK Telephone 410-687-8400

Posting Date: 8/11/19 Closing Date: 8/26/19

Wording for Sign: To Permit an accessory structure (garage/workspace)  
with a height of 25' in lieu of the required 15'

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.**

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**For Newspaper Advertising:**

Case Number: 2019-0414-A

Property Address: 16600 YORK RD MONKTON, MD 21111

Property Description: \_\_\_\_\_

Legal Owners (Petitioners): James and Rachel Earlbek

Contract Purchaser/Lessee: \_\_\_\_\_

PLEASE FORWARD ADVERTISING BILL TO:

Name: James Earlbek

Company/Firm (if applicable): \_\_\_\_\_

Address: 16600 OLD YORK ROAD

MONKTON, MD 21111

Telephone Number: 410-687-8400



1911 - 1914 1915 1916 1917 1918

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2011-12-15

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| 100 000 000 | 01 |

57-1014



JOHN A. OLSZEWSKI, JR.  
County Executive

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

August 27, 2019

James Earlbeck  
16600 Old York Road  
Monkton MD 21111

RE: Case Number: 2019-0414-A

Dear, James Earlbeck

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspections (PAI) on July 31, 2019.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

|                                                                           |              |
|---------------------------------------------------------------------------|--------------|
| Development Plans Review (Traffic)                                        | 410-887-3751 |
| Fire Department                                                           | 410-887-4880 |
| State Highway Administration                                              | 410-545-5600 |
| Office of Planning                                                        | 410-887-3480 |
| Department of Environmental Protection<br>and Resource Management (DEPRM) | 410-887-5859 |
| Recreation and Parks                                                      | 410-887-3824 |
| Maryland Office of Planning - Chesapeake<br>Bay Critical Area (CBCA)      | 410-767-4489 |
| Department of Natural Resources - Floodplain                              | 410-631-3914 |

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,  
A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the words "Very truly yours,".

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:mcn

C: People's Counsel  
Patrick D. Japosinsh Po Box 234 Riderwood MD 21204

(AV) 8-26-19

**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 7, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0414-A  
Address 16600 Old York Road  
(Beck Property)

Zoning Advisory Committee Meeting of **August 2, 2019**.

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

1. Ground Water Management must review any proposed building permit for a garage, since the property is served by well and septic, and since a bathroom is being proposed to go within the accessory structure.

Reviewer: Dan Esser

**ORDER RECEIVED FOR FILING**

Date 9-10-19

By kw



(AV) 8-26-19

**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 7, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0414-A  
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(Beck Property)

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1. Ground Water Management must review any proposed building permit for a garage, since the property is served by well and septic, and since a bathroom is being proposed to go within the accessory structure.

Reviewer: Dan Esser



JOHN A. OLSZEWSKI, JR.  
*County Executive*

PAUL M. MAYHEW  
*Managing Administrative Law Judge*  
LAWRENCE M. STAHL  
*Administrative Law Judge*

October 4, 2019

Patrick D. Jarosinski  
P.O. Box 234  
Riderwood, MD 21204

RE: Petition for Administrative Variance  
Case No. 2019-0414-A  
Property: 16600 Old York Road

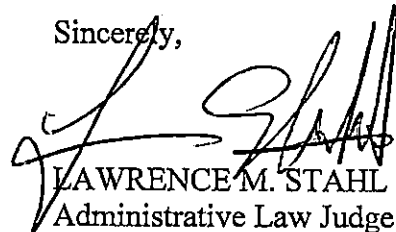
Dear Mr. Jarosinski:

I am in receipt of your correspondence, dated September 27, 2019, regarding language in the above-referenced Order, dated September 10, 2019. In that Order, it clearly sets forth that:

"Should the aforementioned agencies permit a bathroom and wet bar in this structure, that aspect of Condition No. 3 shall be considered stricken."

Therefore, this issue shall be considered moot.

Sincerely,

  
LAWRENCE M. STAHL  
Administrative Law Judge  
for Baltimore County

LMS:dlw  
Enclosure

c: James M. Earlbeck & Rachel R. Earlbeck, 16600 Old York Road, Monkton, MD 21111  
Office of Zoning Review, Department of Permits, Approvals & Inspections,  
111 W. Chesapeake Ave., Room 111, Towson, MD 21204

MFR

**Debra Wiley**

---

**From:** Patrick Jarosinski <patrick@pdjassociates.com>  
**Sent:** Friday, September 27, 2019 1:16 PM  
**To:** Administrative Hearings  
**Cc:** Patrick Jarosinski; Jim Earlbeck  
**Subject:** Re-consideration Letter for Administrative Variance CN2019-0414-A  
**Attachments:** CN 2019-0414-A variance reconsideration letter - Final.pdf

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

Dear Office of Administrative Hearings,

Please find attached a re-consideration letter for the above reference administrative variance request. Please let me know if you have any questions.

Thank you for your attention to this matter.

Patrick Jarosinski

**Patrick D. Jarosinski & Associates**

PO Box 234  
Riderwood, Maryland 21139  
410-262-6708  
www.pdjassociates.com





211

D

1

...

RECEIVED

RECEIVED  
OFFICE OF  
ADMINISTRATIVE SERVICES

**PATRICK D. JAROSINSKI & ASSOCIATES**

P.O. Box 234, Riderwood, Maryland 21139 . 410-262-6708 . 410-494-1017 . [patrick@pdjassociates.com](mailto:patrick@pdjassociates.com) . <http://pdjassociates.com>

September 26, 2019

Judge Lawrence M. Stahl  
Office of Administrative Hearings  
105 West Chesapeake Avenue, Suite 103  
Towson, Maryland 21204

**RE: Reconsideration of Petition for Administrative Variance  
(16600 Old York Road)  
Case Number 2019-0414-A**

Dear Judge Stahl,

Thank you for your positive response to my client's, James M. and Rachel R. Earlbeck request for an administrative variance for case number 2019-0414-A. My client's original request was for the following variances:

- a) Height - 25' in lieu of 15' for a detached garage,
- b) including a bathroom and wet bar

You approved the height request but denied the request for the bathroom and wet bar. You noted in your third bullet point that "should the county's zoning, public works and environmental departments permit a bathroom and wet bar in this structure, that aspect of Condition No. 3 shall be considered stricken". I have visited each of the departments and the public works and environmental departments have no issue with the request. The zoning department sent me back to your office and I spoke to your administrative assistant who suggested my submitting a re-consideration letter with further detail on the request.

Mr. Earlbeck collects antique cars and maintains them. The new garage is a replacement structure in its current location. The existing garage is very old, in disrepair and not functional for its use, including the lack of running water. Mr. Earlbeck spends a large portion of time in the garage working on the cars. It is not uncommon for his fellow automotive enthusiasts to assist him in performing tasks that are best done with two people. Mrs. Earlbeck would prefer them not coming into the house while they are greasy and dirty to use the bathroom, shower or kitchen before they leave.

My client has ensured me that he will not be using this structure as a dwelling unit or living space and only what it was originally intended for. Therefore, I would like to request a re-consideration to this case to include these components. Thank you for your time and I look forward to hearing from you.

Very Truly Yours,

  
Patrick D. Jarosinski

Cc: Mr. James Earlbeck



**Earlbeck Residence Administrative Variance Photo Log**  
**16600 Old York Road, Monkton, Maryland 21111**



1 - View east towards Old York Road entrance to property



2 - View south



**Earlbeck Residence Administrative Variance Photo Log**  
**16600 Old York Road, Monkton, Maryland 21111**



3 - View southwest towards neighbor beyond barn



4 - View west



**Earlbeck Residence Administrative Variance Photo Log**  
**16600 Old York Road, Monkton, Maryland 21111**



5- View northwest towards neighbor



6 – View north



**Earlbeck Residence Administrative Variance Photo Log**  
**16600 Old York Road, Monkton, Maryland 21111**



7 – View east



023C3

2100006097

16610

OLD YORK RD

NE 26-C  
3 CD

RC 2  
10 ED

GROWTH TIER 4  
(No New Subdivisions of 4  
or More Additional Lots)

2500009652

2200000221

1018035025

029C1

PAI # 108026  
Pt. Bk./Folio # 001395

PAI # 108026

2500013258



# Baltimore County - My Neighborhood



579 ft

16610

16600

593

RC 2

OLD YORK RD

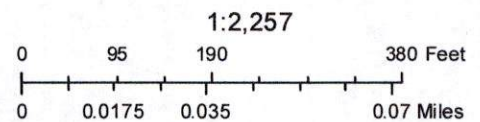
OLD YORK RD

592

## Legend

- House Numbers
- ▨ Zoning History Cases
- ▭ Zoning
- ▭ Property
- ▭ County Boundary

Sources: Esri, HERE  
USGS, FAO, NPS, N  
Survey, Esri Japan, M  
contributors, and the



June 28, 2019



C H E C K L I S T

| <u>Comment<br/>Received</u>                                                              | <u>Department</u>                                                     | <u>Support/Oppose/<br/>Conditions/<br/>Comments/<br/>No Comment</u> |
|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------|
| _____                                                                                    | DEVELOPMENT PLANS REVIEW<br>(if not received, date e-mail sent _____) | _____                                                               |
| <u>8-7</u>                                                                               | DEPS<br>(if not received, date e-mail sent _____)                     | <u>C</u>                                                            |
| _____                                                                                    | FIRE DEPARTMENT                                                       | _____                                                               |
| _____                                                                                    | PLANNING<br>(if not received, date e-mail sent _____)                 | _____                                                               |
| _____                                                                                    | STATE HIGHWAY ADMINISTRATION                                          | _____                                                               |
| _____                                                                                    | TRAFFIC ENGINEERING                                                   | _____                                                               |
| _____                                                                                    | COMMUNITY ASSOCIATION                                                 | _____                                                               |
| _____                                                                                    | ADJACENT PROPERTY OWNERS                                              | _____                                                               |
| ZONING VIOLATION (Case No. _____)                                                        |                                                                       |                                                                     |
| PRIOR ZONING (Case No. _____)                                                            |                                                                       |                                                                     |
| NEWSPAPER ADVERTISEMENT Date: _____                                                      |                                                                       |                                                                     |
| SIGN POSTING (1 <sup>st</sup> ) Date: <u>8-9-19</u> by <u>Doak</u>                       |                                                                       |                                                                     |
| SIGN POSTING (2 <sup>nd</sup> ) Date: _____ by _____                                     |                                                                       |                                                                     |
| PEOPLE'S COUNSEL APPEARANCE Yes <input type="checkbox"/> No <input type="checkbox"/>     |                                                                       |                                                                     |
| PEOPLE'S COUNSEL COMMENT LETTER Yes <input type="checkbox"/> No <input type="checkbox"/> |                                                                       |                                                                     |

Comments, if any: \_\_\_\_\_



## Real Property Data Search

## Search Result for BALTIMORE COUNTY

| View Map                                                                    | View GroundRent Redemption     | View GroundRent Registration                                                |
|-----------------------------------------------------------------------------|--------------------------------|-----------------------------------------------------------------------------|
| <b>Tax Exempt:</b><br><b>Exempt Class:</b>                                  |                                |                                                                             |
| <b>Special Tax Recapture:</b><br>NONE                                       |                                |                                                                             |
| <b>Account Identifier:</b> District - 10 <b>Account Number - 2200000221</b> |                                |                                                                             |
| Owner Information                                                           |                                |                                                                             |
| <b>Owner Name:</b> EARLBECK JAMES MICHAEL<br>EARLBECK RACHEL ROGERS         |                                | <b>Use:</b> RESIDENTIAL<br><b>Principal Residence:</b> YES                  |
| <b>Mailing Address:</b> 16600 OLD YORK RD<br>MONKTON MD 21111               |                                | <b>Deed Reference:</b> /08136/ 00135                                        |
| Location & Structure Information                                            |                                |                                                                             |
| <b>Premises Address:</b> 16600 OLD YORK RD<br>0-0000                        |                                | <b>Legal Description:</b> 6.000046 AC WS<br>OLD YORK RD<br>600 NE MARKOE RD |
| <b>Map:</b>                                                                 | <b>Grid:</b>                   | <b>Parcel:</b>                                                              |
| 0023                                                                        | 0024                           | 0232                                                                        |
| <b>Sub District:</b>                                                        | <b>Subdivision:</b>            | <b>Section:</b>                                                             |
|                                                                             | 0000                           |                                                                             |
| <b>Block:</b>                                                               | <b>Lot:</b>                    | <b>Assessment Year:</b>                                                     |
|                                                                             |                                | 2020                                                                        |
| <b>Plat No:</b>                                                             | <b>Plat Ref:</b>               |                                                                             |
|                                                                             |                                |                                                                             |
| <b>Special Tax Areas:</b>                                                   |                                |                                                                             |
| <b>Town:</b> NONE                                                           |                                |                                                                             |
| <b>Ad Valorem:</b>                                                          |                                |                                                                             |
| <b>Tax Class:</b>                                                           |                                |                                                                             |
| <b>Primary Structure Built</b>                                              | <b>Above Grade Living Area</b> | <b>Finished Basement Area</b>                                               |
| 1912                                                                        | 3,163 SF                       |                                                                             |
| <b>Property Land Area</b>                                                   | <b>County Use</b>              |                                                                             |
| 6.0000 AC                                                                   | 04                             |                                                                             |
| <b>Stories</b>                                                              | <b>Basement</b>                | <b>Type</b>                                                                 |
| 2                                                                           | YES                            | STANDARD UNIT                                                               |
| <b>Exterior</b>                                                             | <b>Full/Half Bath</b>          | <b>Garage</b>                                                               |
| SIDING                                                                      | 2 full/ 1 half                 | 1 Detached                                                                  |
| <b>Last Major Renovation</b>                                                |                                |                                                                             |
|                                                                             |                                |                                                                             |
| Value Information                                                           |                                |                                                                             |
|                                                                             | <b>Base Value</b>              | <b>Value</b>                                                                |
|                                                                             |                                | As of 01/01/2017                                                            |
| <b>Land:</b>                                                                | 234,900                        | 234,900                                                                     |
| <b>Improvements</b>                                                         | 253,700                        | 253,700                                                                     |
| <b>Total:</b>                                                               | 488,600                        | 488,600                                                                     |
| <b>Preferential Land:</b>                                                   | 0                              |                                                                             |
|                                                                             |                                | <b>Phase-in Assessments</b>                                                 |
|                                                                             |                                | As of 07/01/2019                                                            |
|                                                                             |                                | As of 07/01/2020                                                            |
| Transfer Information                                                        |                                |                                                                             |
| <b>Seller:</b> EARLBECK JAMES M ICHAE           L                           |                                | <b>Date:</b> 03/30/1989                                                     |
| <b>Type:</b> ARMS LENGTH IMPROVED                                           |                                | <b>Price:</b> \$320,000                                                     |
|                                                                             |                                | <b>Deed1:</b> /08136/ 00135                                                 |
|                                                                             |                                | <b>Deed2:</b>                                                               |
| <b>Seller:</b>                                                              |                                | <b>Date:</b>                                                                |
| <b>Type:</b>                                                                |                                | <b>Price:</b>                                                               |
|                                                                             |                                | <b>Deed1:</b>                                                               |
|                                                                             |                                | <b>Deed2:</b>                                                               |
| <b>Seller:</b>                                                              |                                | <b>Date:</b>                                                                |
| <b>Type:</b>                                                                |                                | <b>Price:</b>                                                               |
|                                                                             |                                | <b>Deed1:</b>                                                               |
|                                                                             |                                | <b>Deed2:</b>                                                               |
| Exemption Information                                                       |                                |                                                                             |
| <b>Partial Exempt Assessments:</b>                                          | <b>Class</b>                   |                                                                             |
| <b>County:</b>                                                              | 000                            | 07/01/2019                                                                  |
| <b>State:</b>                                                               | 000                            | 0.00                                                                        |
| <b>Municipal:</b>                                                           | 000                            | 0.00                                                                        |
|                                                                             |                                | 0.00                                                                        |
| <b>Tax Exempt:</b>                                                          | <b>Special Tax Recapture:</b>  |                                                                             |
| <b>Exempt Class:</b>                                                        | NONE                           |                                                                             |
| Homestead Application Information                                           |                                |                                                                             |

**Homestead Application Status:** Applied 05/07/2008

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**Homeowners' Tax Credit Application Information**

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

---



# ZAC AGENDA

---

**Case Number:** 2019-0414-A **Reviewer:** Jeffrey Perlow

**Existng Use:** RESIDENTIAL **Proposed Use:** RESIDENTIAL

**Type:** ADMINISTRATIVE VARIANCE

**Legal Owner:** James Michael Earl Beck & Rachel Rogers Earl Beck

**Contract Purchaser:** Patrick D. Japosinsh

**Critical Area:** No **Flood Plain:** No **Historic:** No **Election Dist:** 10 **Council Dist:** 3

**Property Address:** 16600 OLD YORK RD

**Location:** West side of Old York Road at the distance of 1120 feet south of Hucks Mills Road

**Existing Zoning:** RC 2

**Area:** 6 AC

**Proposed Zoning:**

ADMINISTRATIVE VARIANCE:

To permit an accessory structure (detached garage) with a height of 25' in lieu of the required 15'.

**Attorney:** Not Available

**Prior Zoning Cases:** None

**Concurrent Cases:** None

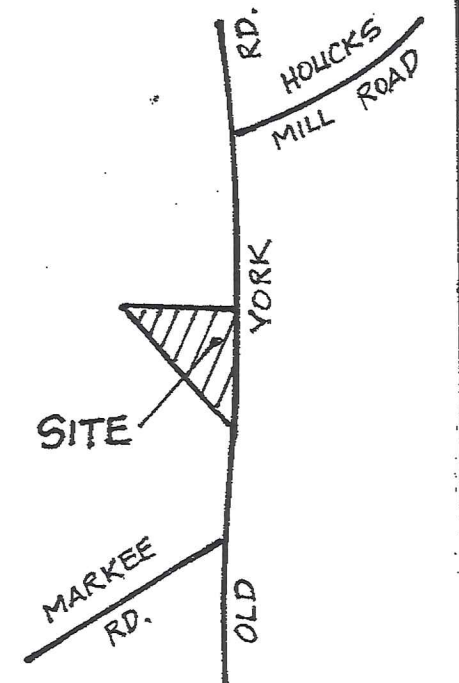
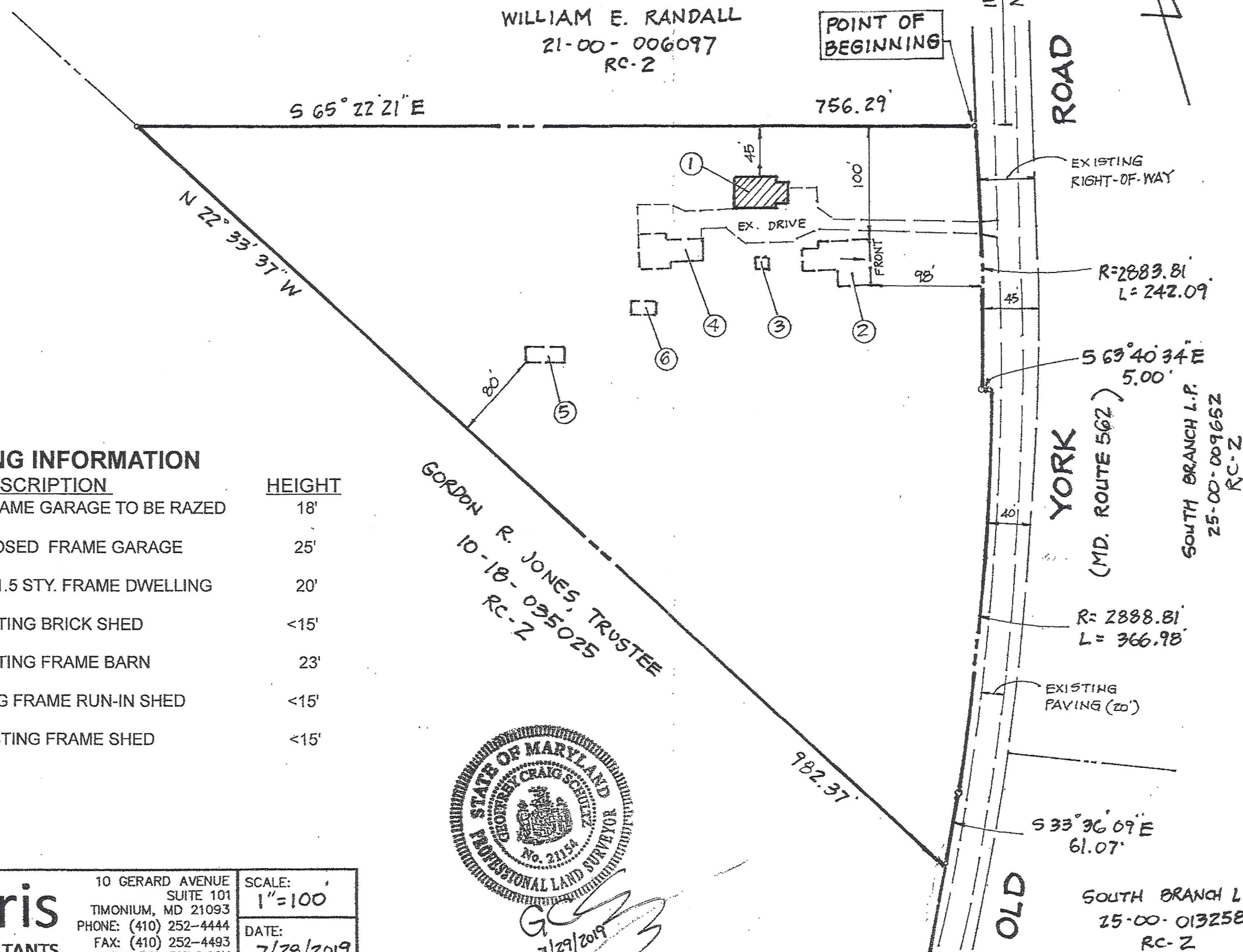
**Violation Cases:** None

**Closing Date:** 08/26/2019

**Miscellaneous Notes:**

---

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)  
 ADDRESS 16600 OLD YORK ROAD OWNER(S) NAME(S) JAMES M. & RACHEL R. EARLBECK  
 SUBDIVISION NAME N/A LOT # — BLOCK # — SECTION # —  
 PLAT BOOK # — FOLIO # — 10 DIGIT TAX # 22 0000022 DEED REF. # 0136/135



VICINITY MAP: 1"=500'

ZONING MAP# 23C3 & 29C1  
 SITE ZONED RC-2  
 ELECTION DISTRICT 10  
 COUNCIL DISTRICT 3  
 LOT AREA ACREAGE 6.000  
 OR SQUARE FEET 261,360  
 HISTORIC? NO  
 IN CBCA? NO  
 IN FLOOD PLAIN? NO  
 UTILITIES? MARK WITH X  
 WATER IS: PUBLIC — PRIVATE X  
 SEWER IS: PUBLIC — PRIVATE X  
 PRIOR HEARING? NO  
 IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW  
N/A

*Pet. Eor. 1*

| NO. | DESCRIPTION                       | HEIGHT |
|-----|-----------------------------------|--------|
| ①   | EXISTING FRAME GARAGE TO BE RAZED | 18'    |
|     | PROPOSED FRAME GARAGE             | 25'    |
| ②   | EXISTING 1.5 STY. FRAME DWELLING  | 20'    |
| ③   | EXISTING BRICK SHED               | <15'   |
| ④   | EXISTING FRAME BARN               | 23'    |
| ⑤   | EXISTING FRAME RUN-IN SHED        | <15'   |
| ⑥   | EXISTING FRAME SHED               | <15'   |



10 GERARD AVENUE  
SUITE 101  
TIMONIUM, MD 21093  
PHONE: (410) 252-4444  
FAX: (410) 252-4493  
WWW.POLARISLC.COM

SCALE:  
1"=100'

DATE:  
7/28/2019



ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)  
ADDRESS 16600 OLD YORK ROAD OWNER(S) NAME(S) JAMES M. & RACHEL R. EARLBECK  
SUBDIVISION NAME N/A LOT # — BLOCK # — SECTION # —  
PLAT BOOK # — FOLIO # — 10 DIGIT TAX # 22 0000022 DEED REF. # 0136/135

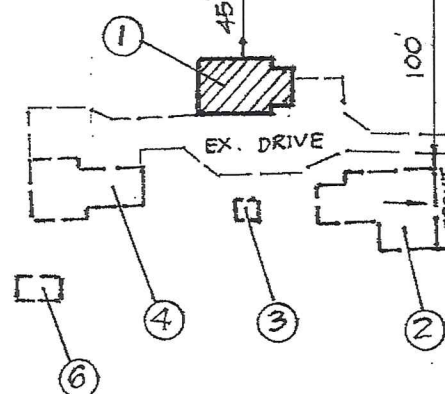
WILLIAM E. RANDALL  
21-00-006097  
RC-2

POINT OF  
BEGINNING

S 65° 22' 21" E

756.29'

N 22° 33' 37" W



1120 TO HOUCKS  
MILL ROAD

ROAD

EXISTING  
RIGHT-OF-WAY

R=2883.81'  
L=242.09'

S 63° 40' 34" E  
5.00'

SOUTH BRANCH L.P.  
25-00-009662  
RC-2

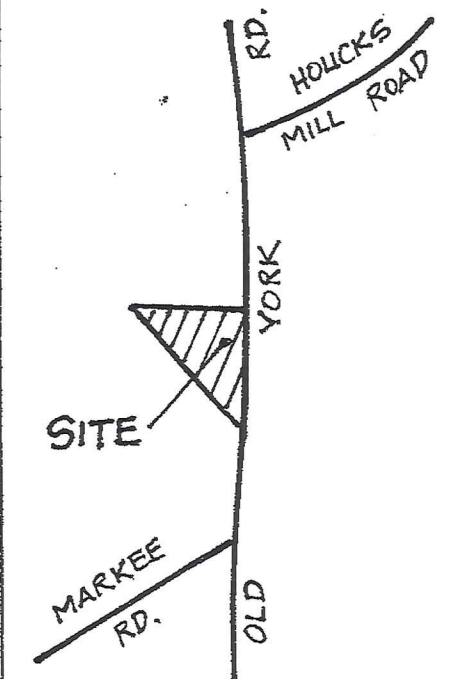
YORK  
(MD. ROUTE 562)

R=2888.81'  
L=366.98'

EXISTING  
PAVING (20')

S 33° 36' 09" E  
61.07'

SOUTH BRANCH L.P.  
25-00-013258  
RC-2



VICINITY MAP: 1"=500'

ZONING MAP# 23C3 & 29C1

SITE ZONED RC-2

ELECTION DISTRICT 10

COUNCIL DISTRICT 3

LOT AREA ACREAGE 6.000

OR SQUARE FEET 261,360

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC — PRIVATE X

SEWER IS:

PUBLIC — PRIVATE X

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### BUILDING INFORMATION

| NO. | DESCRIPTION                       | HEIGHT |
|-----|-----------------------------------|--------|
| ①   | EXISTING FRAME GARAGE TO BE RAZED | 18'    |
|     | PROPOSED FRAME GARAGE             | 25'    |
| ②   | EXISTING 1.5 STY. FRAME DWELLING  | 20'    |
| ③   | EXISTING BRICK SHED               | <15'   |
| ④   | EXISTING FRAME BARN               | 23'    |
| ⑤   | EXISTING FRAME RUN-IN SHED        | <15'   |
| ⑥   | EXISTING FRAME SHED               | <15'   |

GORDON R. JONES, TRUSTEE  
10-18-035025  
RC-2



7/29/2019



10 GERARD AVENUE  
SUITE 101  
TIMONIUM, MD 21093  
PHONE: (410) 252-4444  
FAX: (410) 252-4493  
WWW.POLARISLC.COM

SCALE:  
1"=100'  
DATE:  
7/28/2019