JOHN A. OLSZEWSKI, JR.
County Executive

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

February 12, 2020

Timothy M. Kotroco, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

RE: **MOTION FOR RECONSIDERATION AND DISMISSAL –**
Petition for Variance – Case No. 2019-0468-A
Property: 1215 B Providence Road, 21286

Dear Mr. Kotroco:

Enclosed please find a copy of the Order on Motion for Reconsideration and Dismissal rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

c: James K. and Grace K. Rhee, 1215 Providence Road, Baltimore, MD 21286
Brendan Carlson, 1945 Far Out Lane, Sparks, MD 21152
R. Craig Rodgers, 7024 Greenbank Road, Baltimore, MD 21220
Walter McGuire, 812 Chumleigh Road, Baltimore, MD 21212
Bruce E. Doak, 3801 Baker Schoolhouse Road, Freeland, MD 21053
Francis X. Borgerding, Jr., Esq., Mercantile Building, 409 Washington Avenue, Suite 600, Towson, Maryland 21204-4907
Lorraine and Dennis Feola, 1217 Providence Road, Towson, MD 21286

IN RE: PETITION FOR VARIANCE (1215 B Providence Road) 9th Election District 3rd Council District James K and Grace K. Rhee *Legal Owners* Petitioners	* * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2019-0468-A**

* * * * * * *

ORDER ON MOTION FOR RECONSIDERATION AND DISMISSAL

Now pending is a Motion for Reconsideration of the November 12, 2019 Order issued in the above case. That Order denied the Petition for Variance. Specifically, the Petition for Variance sought relief from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations ("BCZR") to permit a proposed dwelling and a front porch with a setback of 25 ft. and 20 ft. in lieu of the required 50 ft. and 37.5 ft., respectively.

On December 5, 2019, a timely Motion for Reconsideration was filed by Timothy M. Kotroco, Esq., counsel for Petitioner. In that Motion, counsel requested the undersigned to modify the November 12, 2019 Opinion and Order to approve a 25 ft. rear yard setback, to allow Mr. Carlson to relocate his home in accordance with neighbor's request.

On February 11, 2020, a Request for Dismissal of Variance Case was filed by Timothy M. Kotroco, Esq. indicating that Petitioners were able to relocate the house to be constructed on the subject property in a manner that would require no Variance relief, and that the request for Variance relief is now moot and should be dismissed.

THEREFORE, IT IS ORDERED this **12th** day of **February, 2020**, by this Administrative Law Judge, that the Motion for Reconsideration and Request for Dismissal of Variance Case is hereby DISMISSED WITHOUT PREJUDICE.

ORDER RECEIVED FOR FILING

Date 2-12-2020

By DW

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

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlw

ORDER RECEIVED FOR FILING

Date 2-12-2020

By

JOHN A. OLSZEWSKI, JR.
County Executive

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

November 12, 2019

Timothy M. Kotroco, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

RE: Petition for Variance
Case No. 2019-0468-A
Property: 1215 B Providence Road, 21286

Dear Mr. Kotroco:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

c: James K. and Grace K. Rhee, 1215 Providence Road, Baltimore, MD 21286
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Francis X. Borgerding, Jr., Esq., Mercantile Building, 409 Washington Avenue, Suite 600, Towson, Maryland 21204-4907
Lorraine and Dennis Feola, 1217 Providence Road, Towson, MD 21286

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(1215 B Providence Road)		
9th Election District	*	OF ADMINISTRATIVE
3rd Council District		
James K and Grace K. Rhee	*	HEARINGS FOR
Legal Owners		
Petitioners	*	BALTIMORE COUNTY
	*	**CASE NO. 2019-0468-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by James and Grace Rhee, legal owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations ("BCZR") to permit a proposed dwelling and a front porch with a setback of 25' and 20' in lieu of the required 50' and 37.5', respectively. A site plan was marked as Petitioner's Exhibit 1, and an aerial photograph of the property was marked as Exhibit 2.

James and Grace Rhee, as well as Brendan Carlson, the contract purchaser, appeared in support of the petition. Craig Rodgers, land use and design consultant appeared on their behalf. They were represented by Timothy Kotroco, Esq. Lorraine and Dennis Feola appeared in opposition to the Petition, along with Licensed Surveyor and land use and design consultant, Bruce Doak. They were represented by Francis Borgerding, Jr., Esq.

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").

The subject property is located off of Providence Road north of the beltway. The site is

ORDER RECEIVED FOR FILING

Date 11/12/19

By Sen

approximately 1.2 acres in size and is zoned DR-1. It is not served by public water or sewer, which is why the requested variance relief is needed.

Mr. Rodgers was offered as an expert consultant in land use, design and zoning. He testified that he has been accepted as such many times over the years in this and other administrative courts and that he has worked in these fields for over forty years. On *voir dire* by Mr. Borgerding, the witness acknowledged that he was not a licensed surveyor and that he held no other professional licenses. I accepted Rodgers as an expert based on his years of experience, despite his lack of licensure.

Rodgers testified that the property in question was sub-divided into 3 lots by the Rhees in or around 2005. The Rhee's residence is on Lot 1 and the subject property is lot 3, which is accessed by a long panhandle drive. Rodgers explained that a septic field had previously been approved but when it was retested one of the sites (3C) failed to "perk." As a result the septic field had to be adjusted to include site 3D, which had successfully perked. *See,* Petitioners' Exhibit 1. Rodgers explained that this adjustment of the septic field caused the site of the proposed residence to be pushed closer to the front property line in order to accommodate the minimum 10,000 square feet for the septic recovery area (SRA), as well as the minimum SRA setbacks of 10' from the rear lot line, and 20' from the residence. As a result, the proposed dwelling, as depicted on Petitioners' Exhibit 1, is only 25' from the front property line and the porch is only 20' from the line. Mr. Rodgers explained that in his opinion the property is unique within the meaning of BCZR Sec. 307 because it is irregularly shaped and steeply graded. In addition, it is not served by public water and sewer, as is usually the case in DR-1 zones. He testified that the contract purchaser, Mr. Carlson, would experience a hardship if the setback regulations were strictly enforced because he would not be able to construct the home where he

hopes to. On cross examination Rodgers acknowledged that it may be possible to site the residence elsewhere on the lot but that it would require the removal of more trees and necessitate more grading. Mr. Kotroco rested the Petitioners' case in chief.

In opposition Mr. Borgerding called Bruce Doak, a licensed surveyor. Doak testified that he has been accepted as an expert in land use, design, and zoning by this court numerous times. Mr. Kotroco acknowledged that he has employed Doak many times himself and that he would stipulate to his expert credentials. Doak was therefore accepted as an expert in land use, design, and the BCZR.

Mr. Doak produced the minor subdivision plan for the three lots in question. It was accepted as Protestants' Exhibit 1. He marked in orange the septic recovery area (SRA) which was delineated on the existing subdivision plan, as well as the well area. Doak then produced a site drawing he had done of Lot 3 on which he had shifted the SRA clockwise on the parcel toward the front property line. Doak illustrated these adjustments by highlighting a portion of the old SRA in yellow and the new SRA of similar square footage in pink. This Plan was admitted as Protestants' Exhibit 3. Doak explained that in connection with the SRA adjustment he had also sited the proposed residence further south and east on the lot. By doing so he explained that all the setback requirements were met except for the rear lot line setbacks. Doak testified that in his opinion the property was not really unique; but, even if it was considered to be unique, any hardship could be avoided by adjusting the site plan as he had done. Finally, Doak estimated that if the variances were granted the proposed residence on Lot 3 would be only 75' to 80' from the Feolas' home. On cross examination Doak acknowledged that moving the location of the house as he proposed would require removing substantially more trees from the site and doing more grading.

Ms. Feola then testified. She explained that she and her husband's home sits immediately adjacent to the north of Lot 3. She testified that they bought their lot in 1994 and built their home in 1995. She explained that because of septic and setback issues they had to purchase approximately a tenth of an acre of additional property in order to meet all setbacks and that they had done so. She further testified that all the existing homes in the neighborhood have a good deal of privacy due to the proper setbacks and tree cover. She explained that there are virtually no trees between their home and the proposed location of the house on Lot 3. She stressed that she and the other neighbors all had to comply with all the setback requirements and that her home would lose a great deal of privacy if this variance was granted. They therefore object to the proposed relief. On cross examination Mr. Kotroco asked her if she and her husband had opposed or participated in the minor subdivision process that the Rhees had done in 2005. Ms. Feola stated that they would have but that they did not get the opportunity because the Rhees didn't properly post and advertise the subdivision plan. That concluded the evidence.

The general rule is that variances are not favored because "citizens [of a given county or municipality] are entitled to strict enforcement of the existing zoning regulations." *Salisbury Bd. Of Zoning Appeals v. Bounds,* 240 Md. 547, 555-56 (1965). Indeed, this is the very purpose of zoning regulations - to insure orderly and compatible development. Therefore, under BCZR Sec. 307, and Maryland common law, in order to be entitled to variance relief the Petitioners must satisfy a two-step legal analysis, 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).

Although a close question, the property in question may be sufficiently unique under BCZR Sec. 307 based on its irregular shape, steep grade, and, more importantly, the fact that it is zoned DR-1 but is not served by public water or sewer. However, I find that the variance relief cannot be granted for two reasons: First, the Protestants were required to strictly comply with the BCZR setback requirements when they built their home and they too "are entitled to strict enforcement of the existing zoning regulations" in this case. *Bounds, supra.* Second, it is undisputed that the hardship in this case can be obviated by siting the proposed residence further east and south on the lot. I understand (and regret) that this would necessitate clearing more trees and doing more grading, but it is possible, and it would provide the distance and privacy that the Protestants are rightfully seeking.

THEREFORE, IT IS ORDERED, this **12th** day of **November, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations to permit a proposed dwelling and a front porch with a setback of 25' and 20' in lieu of the required 50' and 37.5', respectively, be and is hereby DENIED.

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

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/sln

ORDER RECEIVED FOR FILING
Date 11/12/19
By SLN

PETITION FOR ZONING HE...ING(S)

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

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

Address 1215 A PROVIDENCE RD which is presently zoned DR 1

Deed References: 22717/468 10 Digit Tax Account # 2400008912

Property Owner(s) Printed Name(s) JAMES K. RHEE & GRACE K. RHEE

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1.____ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2.____ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a Variance from Section(s) 1B02.3.C.1 & 301.1 BCZR

TO PERMIT A PROPOSED DWELLING AND A FRONT PORCH WITH SETBACKS OF 25' AND 20' IN LIEU OF THE REQUIRED 50' AND 37.5' RESPECTIVELY.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 11-12-19
By

Legal Owners (Petitioners):

JAMES K. RHEE / GRACE K. RHEE
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 / Signature # 2

1215 PROVIDENCE RD, BALTIMORE, MD.
Mailing Address City State

21286
Zip Code Telephone # Email Address

Representative to be contacted:

R. CRAIG RODGERS
Name – Type or Print

Signature

7024 GREENBANK RD. BALTIMORE, MD.
Mailing Address City State

21220 / 443-677-2007 / craigrodgers2008@gma
Zip Code Telephone # Email Address

CASE NUMBER 2019-0468-A Filing Date 9/18/19 Do Not Schedule Dates: _____ Reviewer JF

REV. 10/4/11

ZONING PROPERTY DESCRIPTION FOR
1215B PROVIDENCE ROAD

BEGINNING AT A POINT ON THE SOUTH SIDE OF PROVIDENCE ROAD WHICH IS 70' WIDE AT A DISTANCE OF 495' WEST OF THE CENTER LINE OF STAGS HEAD ROAD WHICH IS 50' WIDE; THENCE THE FOLLOWING COURSES AND DISTANCES: S36°09'E 1050.96', N83°41'W 233.85, N36°22'W 168.70', S53°38'E 161.14', N36°09'W 725.87', N63°47'15"E 12.18' BACK TO THE POINT OF BEGINNING, AS RECORDED IN DEED LIBER 22717, FOLIO 468, CONTAINNG 1.2 ACRES, MORE OR LESS. LOCATED IN THE NINTH ELECTION DISTRICT AND SIXTH COUNCIL DISTRICT. ALSO KNOWN AS LOT #3 IN THE MINOR SUBDIVISION OF 1215 PROVIDENCE ROAD, RHEE PROPERTY, MONOR SUBDIVISION #01052M, AS MAINTAINED BY THE DEVELOPMENT MANAGEMENT DIVISION OF THE DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS.

IN RE: **PETITION FOR VARIANCE**	*	BEFORE THE
(1215B Providence Road) 9th Election District 3rd Council District James K and Grace K. Rhee *Legal Owners* *Petitioners*	* * * *	OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **Case No. 2019-0468-A**

* * * * * * * * * * * * *

REQUEST FOR DISMISSAL OF VARIANCE CASE

The Petitioners and Owners, James and Grace Rhee, by and through their undersigned counsel, requests this Honorable Court to dismiss the above referenced zoning case without prejudice, and for reasons in support thereof, state the following:

1. This matter came on for a hearing before your Honor on the 8th day of November, 2019. The Petitioners were able to relocate the house to be constructed on the subject property in a manner that would require no variance relief. Accordingly, the request for variance relief is now moot and the matter should be dismissed.

Accordingly, it is respectfully requested that this matter be dismissed without prejudice.

Respectfully Submitted,

Timothy M. Kotroco, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204
410-299-2943

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 11th day February, 2020 a copy of the foregoing Request to Dismiss was mailed first class, postage prepaid to Peter M. Zimmerman, People's Counsel for Baltimore County, The Jefferson Building, Suite 204, 105 W. Chesapeake Avenue, Towson, Maryland 21204 and to Francis X. Borgerding, Jr., 409 Washington Avenue, Suite 600, Towson, Maryland 21204, attorney for the Protestants.

Timothy Kotroco

Timothy M. Kotroco, Esquire

IN RE: **PETITION FOR VARIANCE**	*	BEFORE THE
(1215B Providence Road) 9th Election District 3rd Council District James K and Grace K. Rhee *Legal Owners* *Petitioners*	* * * *	OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **Case No. 2019-0468-A**

* * * * * * * * * * * * *

ORDER

Upon the foregoing Request to Dismiss this Variance Case filed by the owners/applicants herein, It is this 12th day of February, 2020 by the Administrative Law Judge of Baltimore County:

ORDERED, the Variance petition filed herein be dismissed without prejudice.

Paul Mayhew, Administrative Law Judge

IN RE: **PETITION FOR VARIANCE**	*	BEFORE THE
(1215B Providence Road) 9th Election District 3rd Council District James K and Grace K. Rhee *Legal Owners* *Petitioners*	* * * *	OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
	*	**Case No. 2019-0468-A**

* * * * * * * * * * * * *

PETITIONER'S MOTION FOR RECONSIDERATION

The Petitioners and Owners, James and Grace Rhee, by and through their undersigned counsel, requests this Honorable Court to reconsider its decision dated the 12th TMK day of November, 2019 and in support thereof, states the following:

1. This matter came on for a hearing before your Honor on the 8th day of November, 2019.

2. After a hearing on the merits, the petition for variance was denied by Order dated the 12th day of November 2019. (Copy Attached)

3. The request for variance was denied based on the testimony of Mr. Doak, who opined that the house could be built further to the east and further away from the house of the protestants. However, Mr. Doak stated under oath that in order to build the house where he proposed on his site plan, (a copy of which was entered into evidence) a rear yard variance of 25 feet in lieu of required 50 feet would be necessary. Your Honor pointed out this testimony on page 3 of your opinion.

4. Accordingly, it is requested pursuant to this Motion for Reconsideration, that in the spirit of compromise and in order to accommodate the relocation of the house as desired by the neighbors, that your Honor modify his Order in this case to approve a 25 foot rear

yard setback. This will allow Mr. Carlson to relocate his home in accordance with the neighbor's request.

Accordingly, it is respectfully requested that a modified Order be issued, again denying the Petitioner's front yard variance request but approving the rear yard variance of 25 feet in lieu of 50 feet as proposed by the neighbors.

Respectfully Submitted,

Timothy Kotroco

Timothy M. Kotroco, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204
410-299-2943

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 5th day December, 2019 a copy of the foregoing MOTION was mailed first class, postage prepaid to Peter M. Zimmerman, People's Counsel for Baltimore County, The Jefferson Building, Suite 204, 105 W. Chesapeake Avenue, Towson, Maryland 21204 and to Francis X. Borgerding, Jr., 409 Washington Avenue, Suite 600, Towson, Maryland 21204, attorney for the Protestants.

Timothy Kotroco

Timothy M. Kotroco, Esquire

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(1215 B Providence Road)		
9th Election District	*	OF ADMINISTRATIVE
3rd Council District		
James K and Grace K. Rhee	*	HEARINGS FOR
Legal Owners		
Petitioners	*	BALTIMORE COUNTY
	*	**CASE NO. 2019-0468-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by James and Grace Rhee, legal owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations ("BCZR") to permit a proposed dwelling and a front porch with a setback of 25' and 20' in lieu of the required 50' and 37.5', respectively. A site plan was marked as Petitioner's Exhibit 1, and an aerial photograph of the property was marked as Exhibit 2.

James and Grace Rhee, as well as Brendan Carlson, the contract purchaser, appeared in support of the petition. Craig Rodgers, land use and design consultant appeared on their behalf. They were represented by Timothy Kotroco, Esq. Lorraine and Dennis Feola appeared in opposition to the Petition, along with Licensed Surveyor and land use and design consultant, Bruce Doak. They were represented by Francis Borgerding, Jr., Esq.

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").

The subject property is located off of Providence Road north of the beltway. The site is

approximately 1.2 acres in size and is zoned DR-1. It is not served by public water or sewer, which is why the requested variance relief is needed.

Mr. Rodgers was offered as an expert consultant in land use, design and zoning. He testified that he has been accepted as such many times over the years in this and other administrative courts and that he has worked in these fields for over forty years. On *voir dire* by Mr. Borgerding, the witness acknowledged that he was not a licensed surveyor and that he held no other professional licenses. I accepted Rodgers as an expert based on his years of experience, despite his lack of licensure.

Rodgers testified that the property in question was sub-divided into 3 lots by the Rhees in or around 2005. The Rhee's residence is on Lot 1 and the subject property is lot 3, which is accessed by a long panhandle drive. Rodgers explained that a septic field had previously been approved but when it was retested one of the sites (3C) failed to "perk." As a result the septic field had to be adjusted to include site 3D, which had successfully perked. *See,* Petitioners' Exhibit 1. Rodgers explained that this adjustment of the septic field caused the site of the proposed residence to be pushed closer to the front property line in order to accommodate the minimum 10,000 square feet for the septic recovery area (SRA), as well as the minimum SRA setbacks of 10' from the rear lot line, and 20' from the residence. As a result, the proposed dwelling, as depicted on Petitioners' Exhibit 1, is only 25' from the front property line and the porch is only 20' from the line. Mr. Rodgers explained that in his opinion the property is unique within the meaning of BCZR Sec. 307 because it is irregularly shaped and steeply graded. In addition, it is not served by public water and sewer, as is usually the case in DR-1 zones. He testified that the contract purchaser, Mr. Carlson, would experience a hardship if the setback regulations were strictly enforced because he would not be able to construct the home where he

hopes to. On cross examination Rodgers acknowledged that it may be possible to site the residence elsewhere on the lot but that it would require the removal of more trees and necessitate more grading. Mr. Kotroco rested the Petitioners' case in chief.

In opposition Mr. Borgerding called Bruce Doak, a licensed surveyor. Doak testified that he has been accepted as an expert in land use, design, and zoning by this court numerous times. Mr. Kotroco acknowledged that he has employed Doak many times himself and that he would stipulate to his expert credentials. Doak was therefore accepted as an expert in land use, design, and the BCZR.

Mr. Doak produced the minor subdivision plan for the three lots in question. It was accepted as Protestants' Exhibit 1. He marked in orange the septic recovery area (SRA) which was delineated on the existing subdivision plan, as well as the well area. Doak then produced a site drawing he had done of Lot 3 on which he had shifted the SRA clockwise on the parcel toward the front property line. Doak illustrated these adjustments by highlighting a portion of the old SRA in yellow and the new SRA of similar square footage in pink. This Plan was admitted as Protestants' Exhibit 3. Doak explained that in connection with the SRA adjustment he had also sited the proposed residence further south and east on the lot. By doing so he explained that all the setback requirements were met except for the rear lot line setbacks. Doak testified that in his opinion the property was not really unique; but, even if it was considered to be unique, any hardship could be avoided by adjusting the site plan as he had done. Finally, Doak estimated that if the variances were granted the proposed residence on Lot 3 would be only 75' to 80' from the Feolas' home. On cross examination Doak acknowledged that moving the location of the house as he proposed would require removing substantially more trees from the site and doing more grading.

Ms. Feola then testified. She explained that she and her husband's home sits immediately adjacent to the north of Lot 3. She testified that they bought their lot in 1994 and built their home in 1995. She explained that because of septic and setback issues they had to purchase approximately a tenth of an acre of additional property in order to meet all setbacks and that they had done so. She further testified that all the existing homes in the neighborhood have a good deal of privacy due to the proper setbacks and tree cover. She explained that there are virtually no trees between their home and the proposed location of the house on Lot 3. She stressed that she and the other neighbors all had to comply with all the setback requirements and that her home would lose a great deal of privacy if this variance was granted. They therefore object to the proposed relief. On cross examination Mr. Kotroco asked her if she and her husband had opposed or participated in the minor subdivision process that the Rhees had done in 2005. Ms. Feola stated that they would have but that they did not get the opportunity because the Rhees didn't properly post and advertise the subdivision plan. That concluded the evidence.

The general rule is that variances are not favored because "citizens [of a given county or municipality] are entitled to strict enforcement of the existing zoning regulations." *Salisbury Bd. Of Zoning Appeals v. Bounds,* 240 Md. 547, 555-56 (1965). Indeed, this is the very purpose of zoning regulations - to insure orderly and compatible development. Therefore, under BCZR Sec. 307, and Maryland common law, in order to be entitled to variance relief the Petitioners must satisfy a two-step legal analysis, 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).

Although a close question, the property in question may be sufficiently unique under BCZR Sec. 307 based on its irregular shape, steep grade, and, more importantly, the fact that it is zoned DR-1 but is not served by public water or sewer. However, I find that the variance relief cannot be granted for two reasons: First, the Protestants were required to strictly comply with the BCZR setback requirements when they built their home and they too "are entitled to strict enforcement of the existing zoning regulations" in this case. *Bounds, supra.* Second, it is undisputed that the hardship in this case can be obviated by siting the proposed residence further east and south on the lot. I understand (and regret) that this would necessitate clearing more trees and doing more grading, but it is possible, and it would provide the distance and privacy that the Protestants are rightfully seeking.

THEREFORE, IT IS ORDERED, this **12th** day of **November, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations to permit a proposed dwelling and a front porch with a setback of 25' and 20' in lieu of the required 50' and 37.5', respectively, be and is hereby DENIED.

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

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/sln

11/8
11Am

Debra Wiley

From: David Billingsley <dwb0209@yahoo.com>
Sent: Tuesday, November 5, 2019 12:43 PM
To: Administrative Hearings
Subject: 1215B PROVIDENCE ROAD CASE NO. 2019-0468-A
Attachments: Scan_0490.pdf

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.

Posting Recertification attached
Thanks

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

CERTIFICATE OF POSTING

RECERT. 11/5/19

Date: OCTOBER 20, 2019 #1

RE: Project Name: 1215B PROVIDENCE ROAD

Case Number /PAI Number: 2019-0468-A

Petitioner/Developer: RHEE

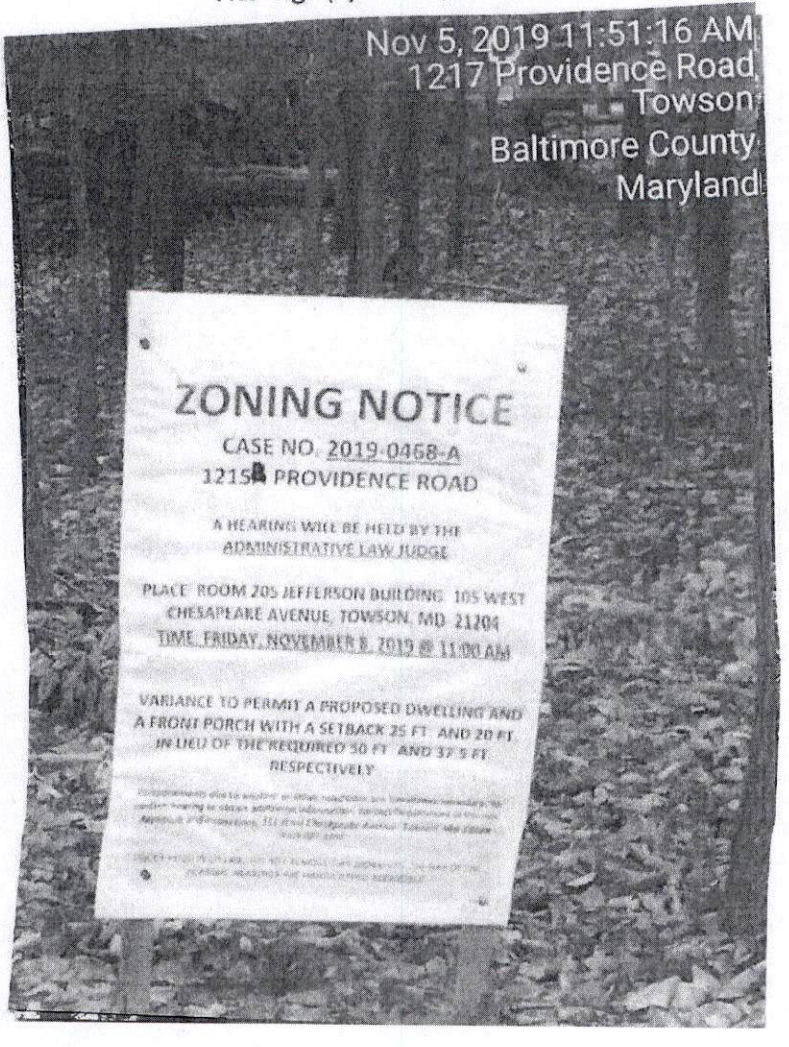
Date of Hearing/Closing: NOVEMBER 8, 2019

RECEIVED
NOV 0 5 2019
OFFICE OF
ADMINISTRATIVE HEARINGS

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1215B PROVIDENCE ROAD

RECERT 11/5/19

The sign(s) were posted on OCTOBER 18, 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

RECERT. 11/5/19

Date: OCTOBER 20, 2019 #2

RE: Project Name: 1215B PROVIDENCE ROAD

Case Number /PAI Number: 2019-0468-A

Petitioner/Developer: RHEE

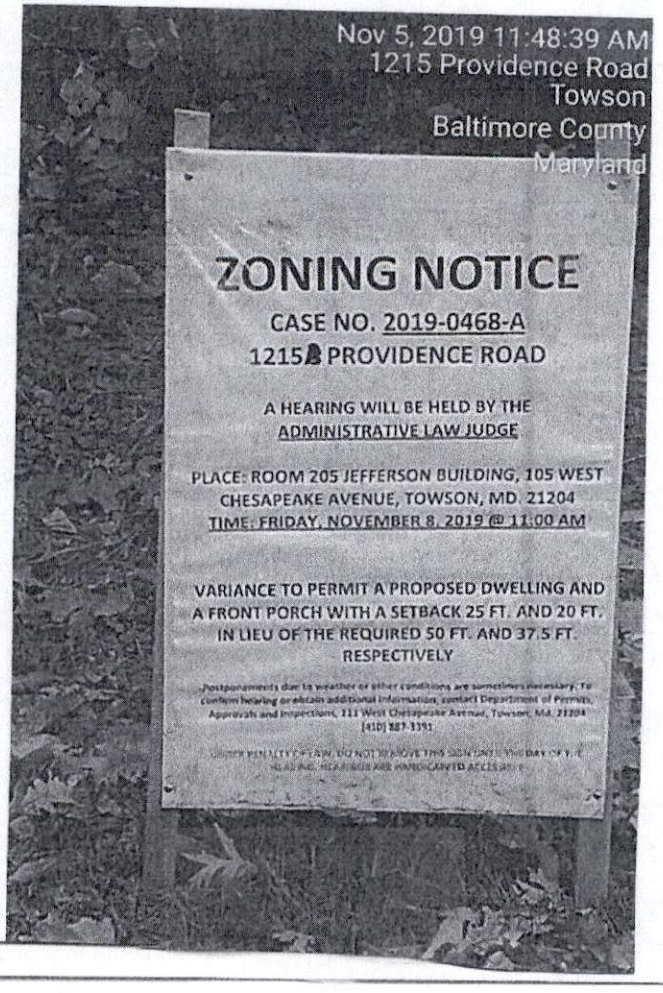
Date of Hearing/Closing: NOVEMBER 8, 2019

RECEIVED
NOV 0 5 2019
OFFICE OF
ADMINISTRATIVE HEARINGS

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1215B PROVIDENCE ROAD

RECERT 11/5/19

The sign(s) were posted on OCTOBER 18, 2019
(Month, Day, Year)



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(City, State, Zip Code of Sign Poster)

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(Telephone Number of Sign Poster)

The Daily Record
200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 11802645
Case #: 2019-0468-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0468-A

PUBLISHER'S AFFIDAVIT

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

10/18/2019

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0468-A
1215A Providence Road
S/side of Providence Road at a distance of 495 ft. west of centerline of Stays Head
9th Election District - 3rd Councilmanic District
Legal Owners: James & Grace Rhee
Variance to permit a proposed dwelling and a front porch with a setback of 25 ft. and 20 ft. in lieu of the required 50 ft. and 37.5 ft. respectively.
Hearing: Friday, November 8, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff
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.
o18

CERTIFICATE OF POSTING

Date: OCTOBER 20, 2019 #1

RE: Project Name: 1215B PROVIDENCE ROAD

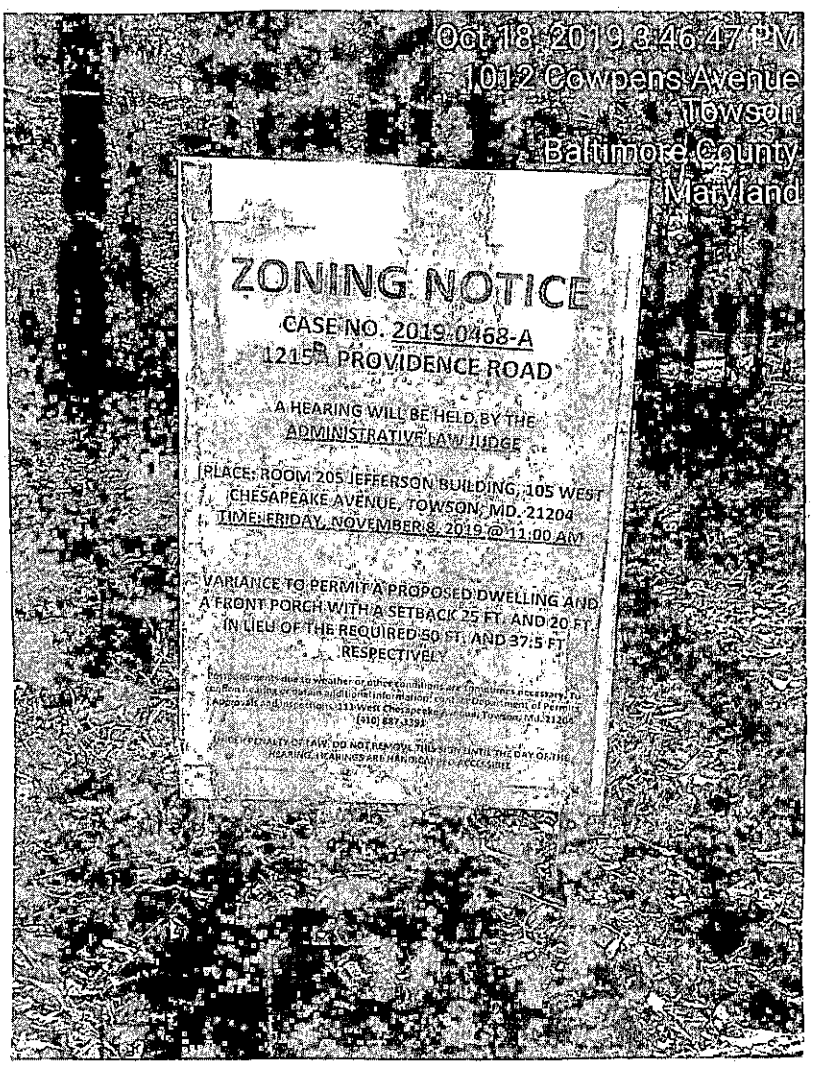
Case Number /PAI Number: 2019-0468-A

Petitioner/Developer: RHEE

Date of Hearing/Closing: NOVEMBER 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 1215B PROVIDENCE ROAD

The sign(s) were posted on OCTOBER 18, 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: OCTOBER 20, 2019 #2

RE: Project Name: 1215B PROVIDENCE ROAD

Case Number /PAI Number: 2019-0468-A

Petitioner/Developer: RHEE

Date of Hearing/Closing: NOVEMBER 8, 2019

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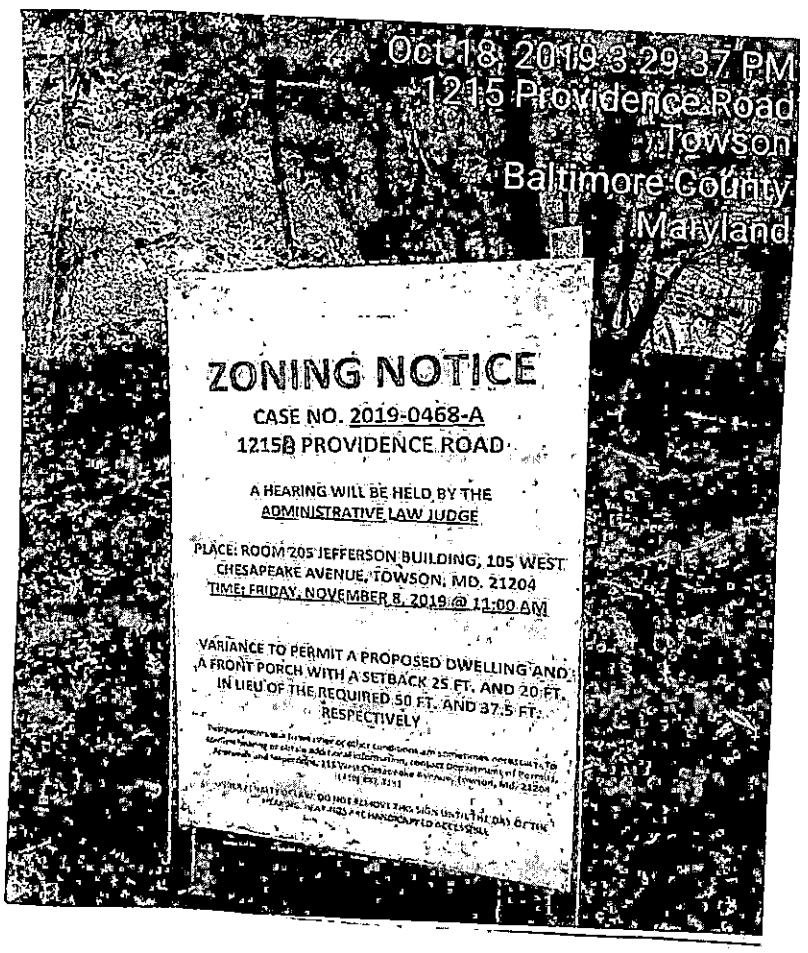
The sign(s) were posted on OCTOBER 18, 2019
(Month, Day, Year)



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(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)

JOHN A. OLSZEWSKI, JR.
County Executive

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

October 8, 2019

NOTICE OF ZONING HEARING

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1215A Providence Road
S/side of Providence Road at a distance of 495 ft. west of centerline of Stays Head
9th Election District – 3rd Councilmanic District
Legal Owners: James & Grace Rhee

Variance to permit a proposed dwelling and a front porch with a setback of 25 ft. and 20 ft. in lieu of the required 50 ft. and 37.5 ft. respectively.

Hearing: Friday, November 8, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff
Director

MM:kl

C: Mr. & Mrs. Rhee, 1215 Providence Road, Baltimore 21286
R. Craig Rodgers, 7024 Greenbank Road, Baltimore 21220

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 19, 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, October 18, 2019 – Issue

Please forward billing to:
Brenden Carlson
Greenspring Valley Homes, LLC
P.O. Box 116B
Brooklandville, MD 21022

410-252-3438

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: 2019-0468-A
1215A Providence Road
S/side of Providence Road at a distance of 495 ft. west of centerline of Stays Head
9th Election District – 3rd Councilmanic District
Legal Owners: James & Grace Rhee

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Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR VARIANCE 1215B Providence Road; S/S of Providence Road, 495' W of c/line of Stays Head 9th Election & 3rd Councilmanic Districts Legal Owner(s): James & Grace Rhee Petitioner(s)	*	BEFORE THE OFFICE
	*	OF ADMINSTRATIVE
	*	HEARINGS FOR
	*	BALTIMORE COUNTY
	*	2019-468-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of September, 2019, a copy of the foregoing Entry of Appearance was mailed to R. Craig Rodgers, 7024 Greenbank Road, Baltimore, Maryland 21220, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least 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: 2019-0468-A

Property Address: 1215B PROVIDENCE RD

Property Description: _____

Legal Owners (Petitioners): JAMES K RHEE & GRACE K. RHEE

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO: BRENDEN CARLSON

Name: GREENSPRING VALLEY HOMES, LLC

Company/Firm (if applicable): _____

Address: PO BOX 1168
BROOKLANDVILLE, MD 21022

Telephone Number: 410-252-3438

Revised 7/9/2015

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 10/23/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-468

INFORMATION:
Property Address: 1215 B Providence Road
Petitioner: James K. Rhee, Grace K. Rhee
Zoning: DR 1
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a proposed dwelling and a open projection (front porch) with setbacks of 25 feet and 20 feet in lieu of the required 50 feet and 37.5 feet respectively.

The Department of Planning has no objections to granting the petitioned zoning relief.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

CPG/JGN/LTM/

c: Megan Benjamin
R. Craig Rodgers
Office of the Administrative Hearings
People's Counsel for Baltimore County

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JOHN A. OLSZEWSKI, JR.
County Executive

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

October 28, 2019

R. Craig Rodgers
7024 Greenbank Road
Baltimore MD 21220

RE: Case Number: 2019-0468-A, 1215 A Providence 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 September 18, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
James K Rhee 1215 Providence Road Baltimore MD 21286

11-8-19

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 10/23/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-468

RECEIVED
OCT 24 2019
OFFICE OF
ADMINISTRATIVE HEARINGS

INFORMATION:
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Petitioner: James K. Rhee, Grace K. Rhee
Zoning: DR 1
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Prepared by:

Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

CPG/JGN/LTM/

c: Megan Benjamin
R. Craig Rodgers
Office of the Administrative Hearings
People's Counsel for Baltimore County

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BALTIMORE COUNTY, MARYLAND
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Director, Department of Permits, Approvals and Inspections

DATE: 10/23/2019

FROM: C. Pete Gutwald
Director, Department of Planning

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Prepared by:

Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

CPG/JGN/LTM/

c: Megan Benjamin
R. Craig Rodgers
Office of the Administrative Hearings
People's Counsel for Baltimore County

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11-8-19

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: October 3, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0468-A
Address 1215-B Providence Road
(Rhee Property)

Zoning Advisory Committee Meeting of **September 20, 2019**.

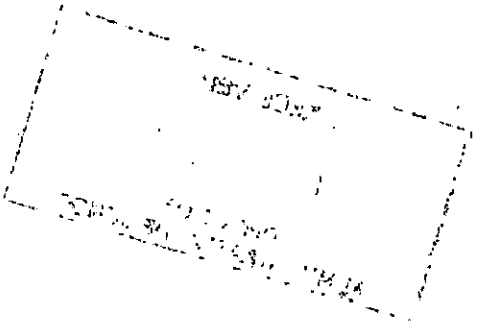
__X__ The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

__X__ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

The Rhee Property minor subdivision (#01-052M), of which the subject property is lot 3, is out of compliance with Forest Conservation Law. Prior to EPS approval of any further permits for this minor subdivision, a revised forest conservation plan and forest conservation worksheet reflecting the elimination of the previously approved Forest Conservation Easements must be submitted to EPS and approved, and the resultant reforestation requirement addressed.

Reviewer: Glenn Shaffer



MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

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

Date: 9/24/19

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. 2019-0468-A
Variance
James K. Rhee & Grace K. Rhee
1215 B. Providence 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

PLEASE PRINT CLEARLY

CASE NAME Rhee
CASE NUMBER 2019-0468-A
DATE 11-8-19

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Timothy M. Kotroco	305 Washington Avenue, Suite 502	Towson, MD 21204	Tkotroco@gmail.com
Brenden Carlson	1945 Far Out Lane	Sparks, MD 21152	LNX2011@gmail.com
JAMES RHEE	1215 PROVIDENCE Rd	TOWSON, MD. 21286	
GRACE RHEE	"	"	
WALTER MCGUIRE	812 CHUMLEIGH RD	BALTO, MD. 21212	WMCGUIRE@CBNOVE.COM
CRAIG RODGERS	7024 GREENBANK RD	BALTO, MD 21220	craigrodgers220@gmail.com

PLEASE PRINT CLEARLY

CASE NAME Rhee
CASE NUMBER 2019-0468-A
DATE 11/08/19

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Bruce E. Doak	3801 Baker Schoolhouse Road	Freeland MD 21053	
Frank Bromley	404 Washington ave unit 601	Towson, md 21204	DOAKFARM@GMAIL.com
Lorraine Feola	1217 Providence Rd Towson 21286	Towson MD 21286	bromleyfrank@hotmail.com feoladds@aol.com
Dennis Feola	1217 Providence Rd	Towson MD 21286	UFPA13D@yahoo.com

11-8-19

CASE NO. 2019- 0468-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	
10/3	DEPS (if not received, date e-mail sent _____)	Comment
	FIRE DEPARTMENT	
10/23	PLANNING (if not received, date e-mail sent _____)	NO Objection
9/24	STATE HIGHWAY ADMINISTRATION	No Objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 10/18/19

SIGN POSTING (1st) Date: 10/18/19 by Bullingsley

SIGN POSTING (2nd) Date: 11-5-19 by "

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration

Tax Exempt: None **Special Tax Recapture:** None
Exempt Class: None

Account Identifier: **District - 09 Account Number -** 2400008912

Owner Information

Owner Name:	RHEE JAMES K RHEE GRACE K	**Use:** **Principal Residence:**	RESIDENTIAL NO
Mailing Address:	1215 PROVIDENCE RD BALTIMORE MD 21286-1559	**Deed Reference:**	/22717/ 00478

Location & Structure Information

Premises Address: /	1215B PROVIDENCE RD 0-0000	**Legal Description:**	1.2 AC 1215B PROVIDENCE RD SES 800FT NE OF HAMPSTON LA

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	MS
0061	0023	0484	9100108.04	0000			3	2020	Plat Ref:	

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

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			1.2000 AC	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
			/				

Value Information

	Base Value	Value As of 01/01/2017	Phase-in Assessments As of 07/01/2019	As of 07/01/2020
Land:	108,300	108,300		
Improvements	0	0		
Total:	108,300	108,300	108,300	
Preferential Land:	0			

Transfer Information

Seller: RHEE JAMES K	**Date:** 10/15/2005	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /22717/ 00478	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|	0.00|

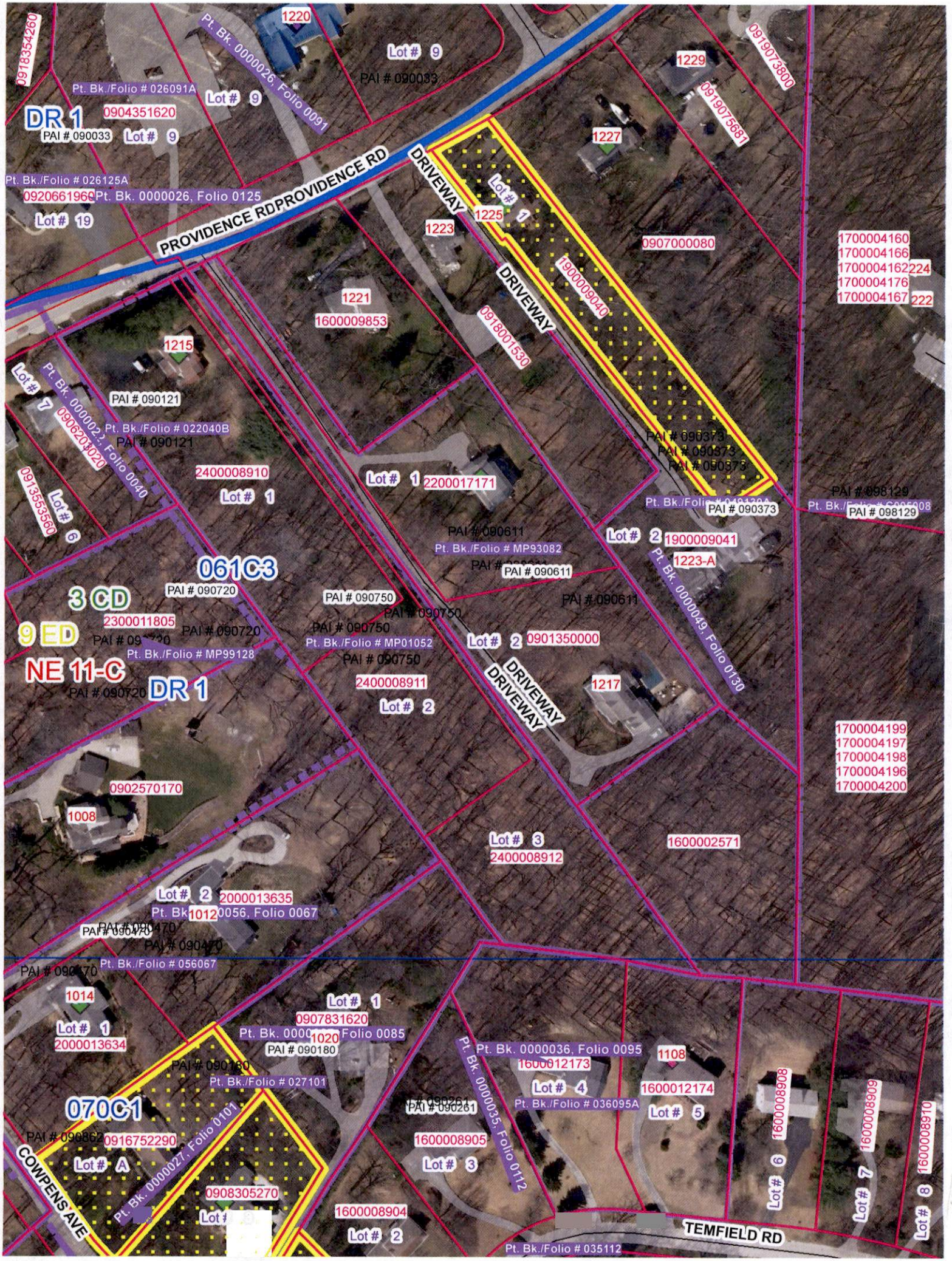
Tax Exempt: None **Special Tax Recapture:** None
Exempt Class: None

Homestead Application Information

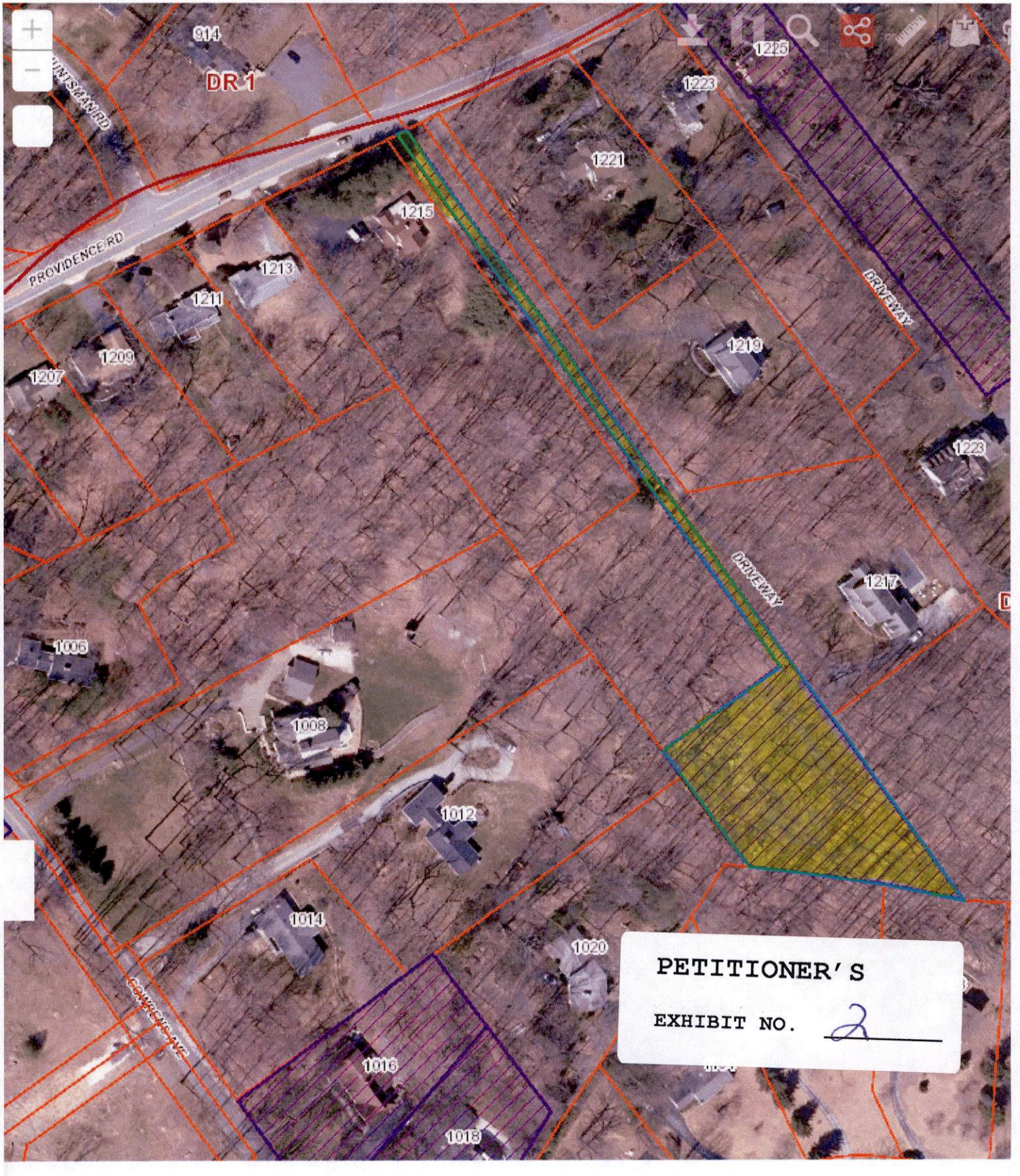
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

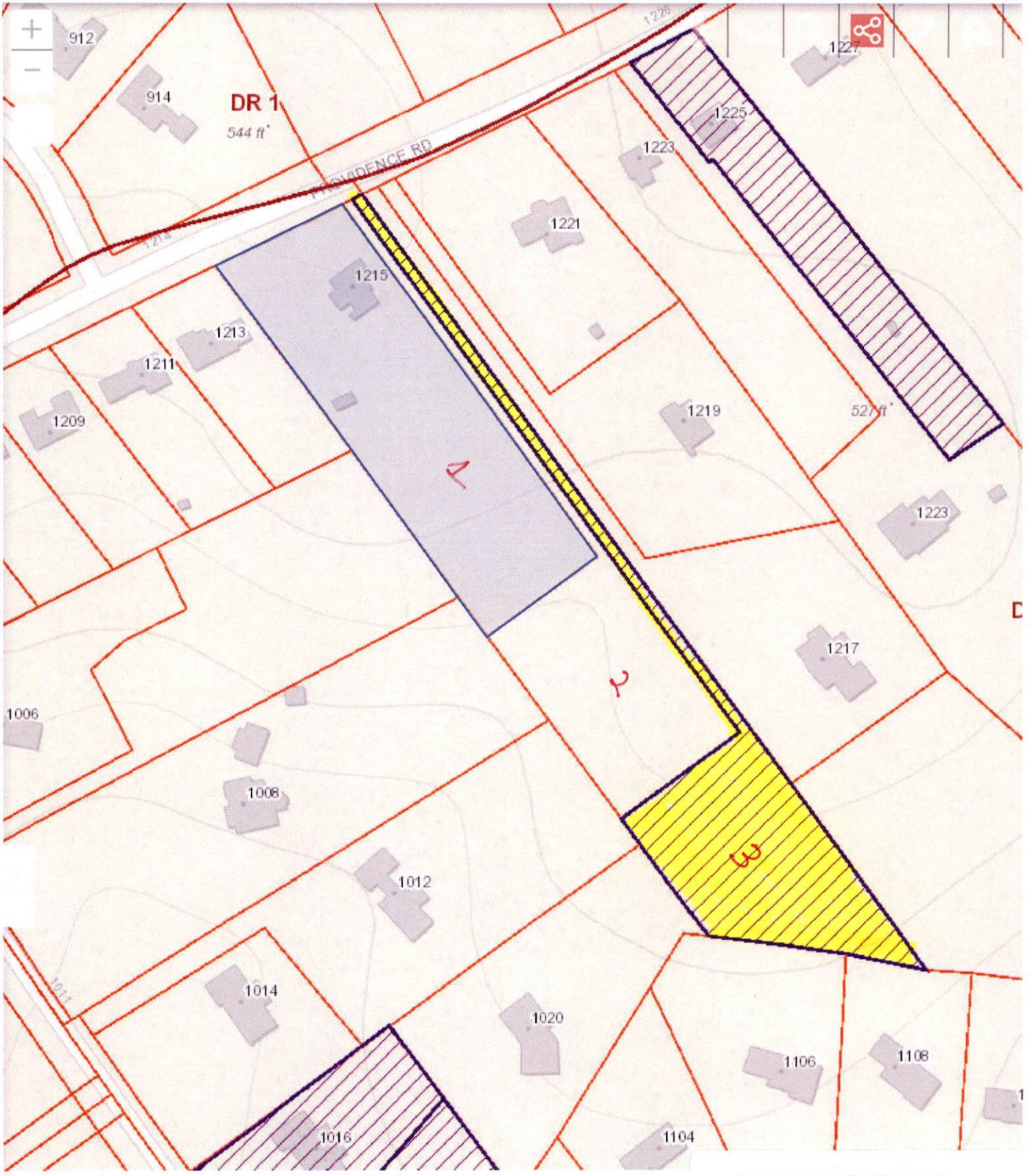
Homeowners' Tax Credit Application Status: No Application **Date:**


PROVIDENCE RD
PROVIDENCE RD
DRIVEWAY
DRIVEWAY
DRIVEWAY
DRIVEWAY
COWPENS AVE
TEMFIELD RD
DR 1
061C3
3 CD
9 ED
NE 11-C
DR 1
070C1
Pt. Bk./Folio # 026091A
0904351620
PAI # 090033
Lot # 9
Pt. Bk. 0000026, Folio 0091
Pt. Bk./Folio # 026125A
0920661960
Pt. Bk. 0000026, Folio 0125
Lot # 19
0918354260
1220
1229
0919073800
0919075681
1227
1225
1223
1221
1600009853
1900009040
0918001530
0907000080
1700004160
1700004166
1700004162
1700004176
1700004167
1215
PAI # 090121
Pt. Bk./Folio # 022040B
0906201020
Pt. Bk. 0000021, Folio 0040
0913553560
2400008910
2200017171
PAI # 090373
PAI # 098129
PAI # 090611
Pt. Bk./Folio # MP93082
1900009041
1223-A
Pt. Bk. 0000049, Folio 0130
PAI # 090720
2300011805
PAI # 090750
Pt. Bk./Folio # MP01052
Pt. Bk./Folio # MP99128
0901350000
2400008911
1217
1700004199
1700004197
1700004198
1700004196
1700004200
0902570170
1008
1600002571
2400008912
2000013635
1012
Pt. Bk. 0000056, Folio 0067
Pt. Bk./Folio # 056067
1014
2000013634
0907831620
1020
Pt. Bk. 0000085, Folio 0085
PAI # 090180
Pt. Bk./Folio # 027101
Pt. Bk. 0000036, Folio 0095
1600012173
1108
1600012174
Pt. Bk./Folio # 036095A
Pt. Bk. 0000035, Folio 0112
PAI # 090862
0916752290
Pt. Bk. 0000027, Folio 0101
0908305270
1600008905
1600008904
1600008908
1600008909
1600008910
Pt. Bk./Folio # 035112

Baltimore County - My Neighborhood



Baltimore County - My Neighborhood



PETITIONER'S

EXHIBIT NO. 3

11/8

Case No.: 2019-0468-A - 1215 B Providence Rd. 10 AM

Exhibit Sheet

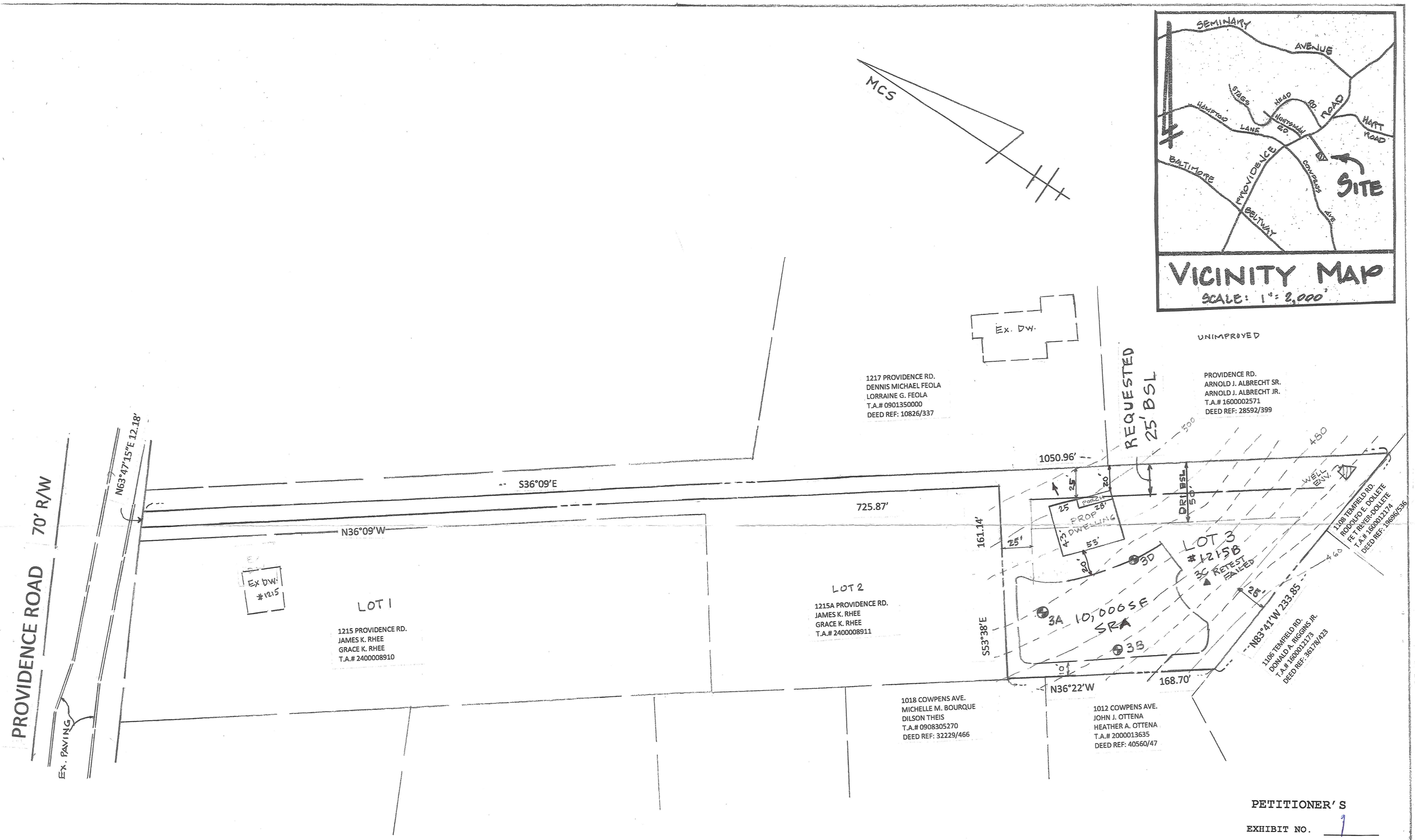
3-17-2020 DEN

DW 2-12-2020

Petitioner/Developer

Protestants DEN 11-12-19

No. 1 1a	Site Plan Site Plan w Hi-Lites	MINOR-SUB PLAN
No. 2	My Neighborhood Aerial Photo	Soil Perc Test Results
No. 3	My Neighborhood Map	Alternative Site Plan
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



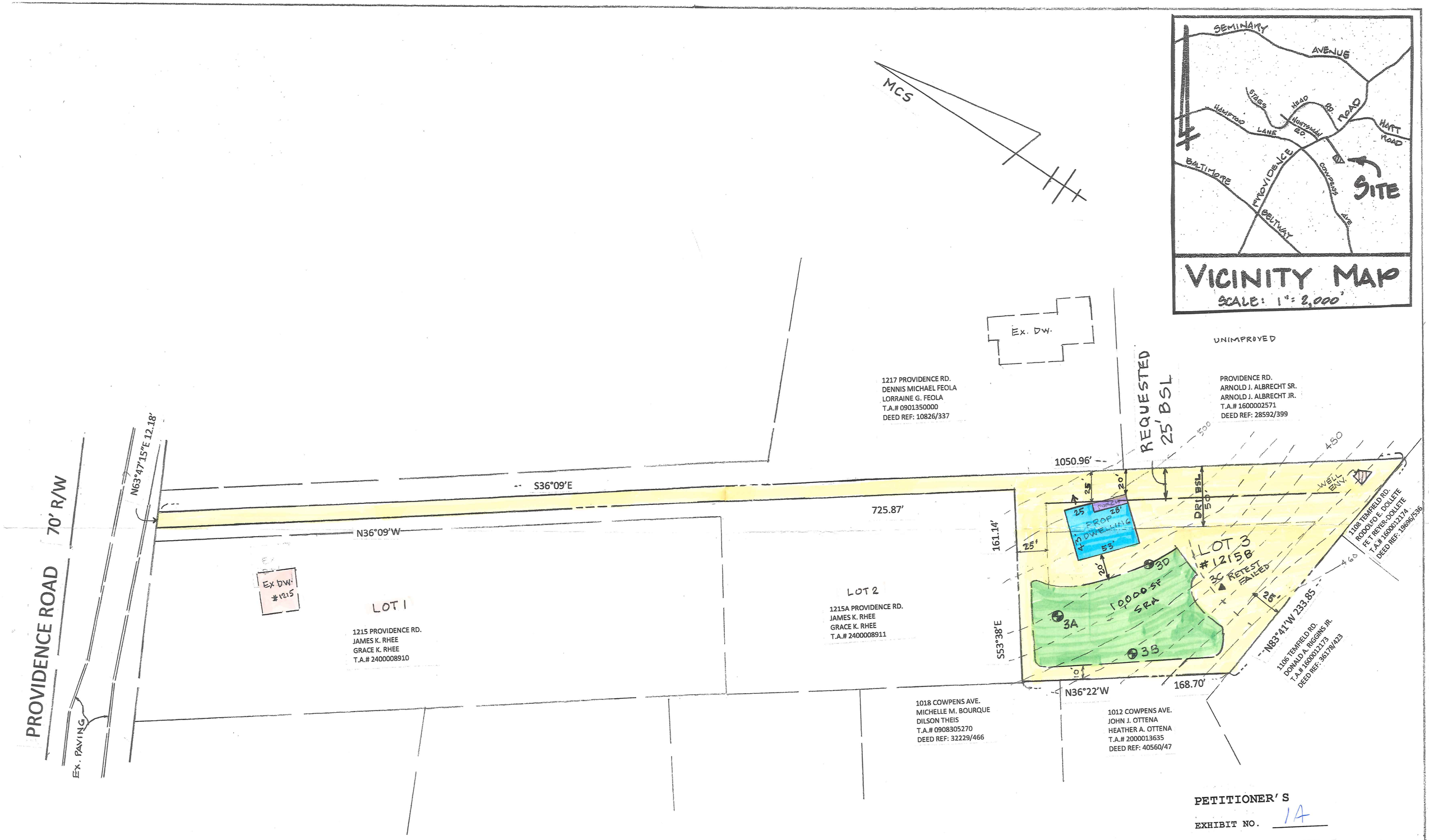
PETITIONER'S EXHIBIT NO. 1

GENERAL NOTES

1)	OWNERS:	5)	NOT HISTORIC
	JAMES & GRACE RHEE	6)	NOT IN CBCA
	1215 PROVIDENCE ROAD	7)	NOT IN A FLOOD PLAIN
	BALTIMORE, MD 21286	8)	WATER & SEWER ARE PRIVATE
2)	ZONING MAP 061C3	9)	NO PRIOR HEARINGS
3)	SITE & ADJOINING PROPERTIES	10)	NO PRIOR ZONING VIOLATIONS
	ZONED DR-1		
4)	LOT AREA = 1.2 AC. ±		

ZONING HEARING PLAN
FOR VARIANCE REQUEST FOR:
1215B PROVIDENCE ROAD
ELECTION DISTRICT 9C6
BALTIMORE COUNTY, MD.
LOT 3, 1215 PROVIDENCE RD.
RHEE PROPERTY (MINOR SUB NO. 01052M)
DEED REF: 22717/468
TAX ACCT.# 2400008912
TAX MAP 61, PARCEL 484
SCALE: 1"=50' DATE: 9/16/19

PREPARED BY:
CRAIG CONSULTING, LLC
7024 GREENBANK RD.
BALTIMORE, MD 21220



PETITIONER'S
EXHIBIT NO. 1A

GENERAL NOTES

1)	OWNERS:	5)	NOT HISTORIC
	JAMES & GRACE RHEE	6)	NOT IN CBCA
	1215 PROVIDENCE ROAD	7)	NOT IN A FLOOD PLAIN
	BALTIMORE, MD 21286	8)	WATER & SEWER ARE PRIVATE
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BALTIMORE, MD 21220

SOILS TABULATION

SYMBOL	NAME	W/ EASEMENT	W/O EASEMENT	STREETS & PARKING
JpC2	JOPPA	SLIGHT	SLIGHT	SEVERE: SLOPE
MhE	MANOR	SEVERE	SEVERE	SEVERE
GcC2	GLENELG	MODERATE	MODERATE	SEVERE

FOREST CONSERVATION SCHEDULE

AREA A			AREA B		
1	N 36°00'00"W	151.00'	1	N 36°22'00"W	125.21'
2	S 53°51'00"W	[illegible]	2	S 81°38'00"W	103.00'
3	N 36°00'00"W	58.00'	3	N 36°22'00"W	122.07'
4	S 53°51'00"W	8.00'	4	S [illegible]°00'00"W	61.91'
5	S 36°00'00"E	55.00'	5	S 36°22'00"E	291.22'
6	S 53°51'00"W	101.84'	6	N 53°38'00"E	142.00'
7	S 83°41'00"E	292.54'			

DISTURBED AREA = 27,000± sq. ft. or 0.6± AC.

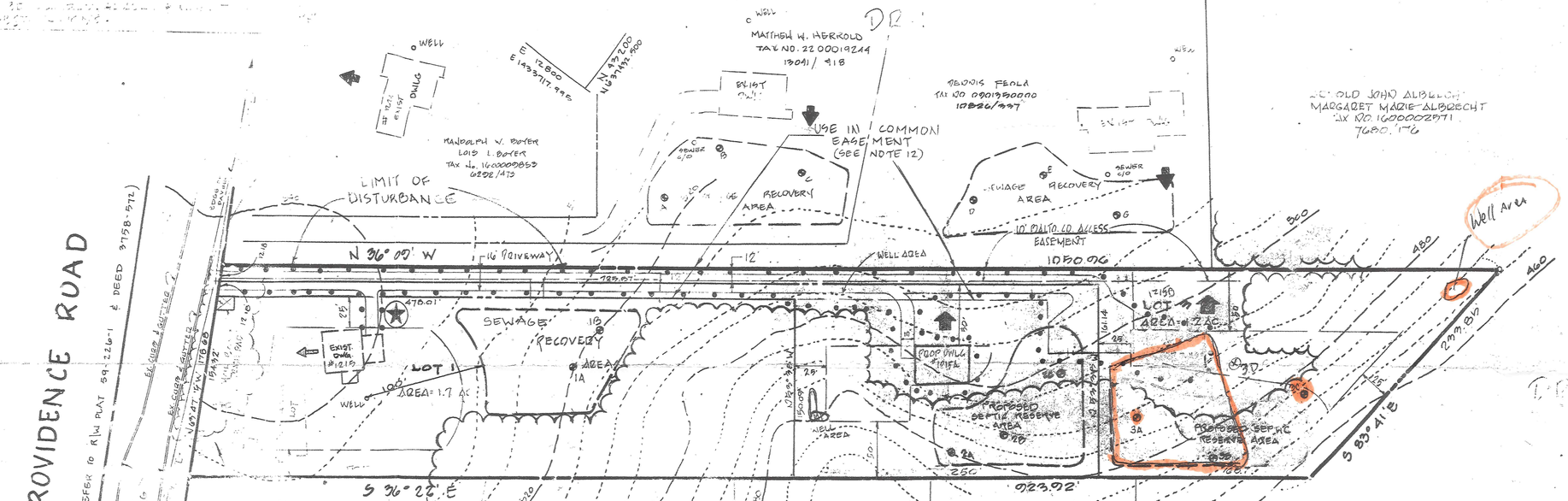
CAPITAL FACILITIES NOTE

THE SUBJECT PROPERTY LIES WITHIN AREAS DESIGNATED AS W-3 & S-3 WHICH REQUIRES PUBLIC WATER & SEWER SERVICE. EXECUTED "JUSTIFICATION FOR VARIANCE" & "INTERIM AGREEMENT" FORMS HAVE BEEN SUBMITTED TO ADDRESS THESE ISSUES.

FOREST CONSERVATION NOTE

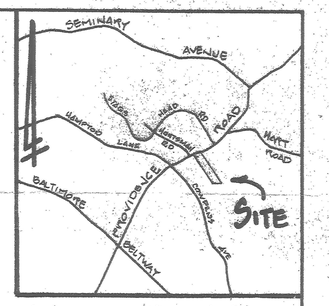
THE FOREST CONSERVATION RESPONSIBILITIES FOR THIS MINOR SUBDIVISION HAVE BEEN COMPLIED WITH IN TOTALITY BY PAYING A "FEE IN LIEU OF" TO ELIMINATE THE NEED FOR A FOREST CONSERVATION EASEMENT.

SIGHT DISTANCE [illegible]
THE AREAS BETWEEN [illegible] LINE MUST BE [illegible] OF ANY OBJECT [illegible]



NOTE: THIS EXISTING DRIVEWAY WILL BE [illegible] WHEN THE PROPOSED DRIVEWAY [illegible] THE EAST PROPERTY LINE IS [illegible]

DR-1



VICINITY MAP

SCALE: 1" = 2,000'

SITE DATA

SITE AREA (NET)	2.946 AC.
EXIST. ZONING	MAP 16-16, DR 1
TAX ACCT No.	0905470080
DEED REFERENCE	6806/175
EXISTING USE	1 SINGLE FAM DWELL
PROPOSED USE	3 SINGLE FAM DWELLS
TAX MAP/BLOCK/PARCEL	61 / 19 / 174
[illegible]	28
WATERSHED	4
SCHOOL DISTRICT	HAMPTON ELEM. PINEHURST MIDDLE [illegible] HIGH
REGIONAL PLA. DIST.	DIA
CENSUS TRACT	4001

REVISION	7-6-05	REMOVE FOREST CONSERVATION
REVISION	6-13-05	DEPRM COMMENTS
REVISION	3-21-03	DEPRM COMMENTS
REVISION	2-1-03	PLANS REVIEW COMMENTS
REVISION	1-23-03	EIA COMMENTS
REVISION	1-21-03	AGENCY COMMENTS
REVISION	1-16-03	PLANNING COMMENTS
REVISION	1-6-03	AGENCY COMMENTS

GENERAL NOTES

1. THERE ARE NO HAZARDOUS MATERIALS STORED ON THE SUBJECT PROPERTY.
2. THERE ARE NO UNDERGROUND STORAGE TANKS ON THE SUBJECT PROPERTY.
3. THERE ARE NO HISTORICAL BUILDINGS OR LANDMARKS ON THE SUBJECT PROPERTY.
4. THERE ARE NO ARCHEOLOGICAL SITES ON THE SUBJECT PROPERTY.
5. IN ACCORDANCE WITH BILL 18-90 SECTION 26-276 DREDGING, FILLING OR CONSTRUCTION IN WETLANDS IS PROHIBITED.
6. ALL SITE RUN-OFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING BODY OF WATER, WATERCOURSE, WETLAND STORM DRAIN OR ADJACENT PROPERTY.
7. HOUSE DOWNSPOUTS ARE TO BE DISCHARGED INTO PERVIOUS AREAS OR INTO DRYWELLS WHERE FEASIBLE.
8. THERE ARE NO PREVIOUS ZONING CASE HISTORY FOR THE SUBJECT PROPERTY.
9. THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
10. THIS PROPERTY AS SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE 8/18/80. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
11. THE PANHANDLE SHALL BE PAVED WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT AND PRIOR TO THE ISSUANCE OF THE OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED, WHICHEVER COMES FIRST.
12. A USE IN COMMON AND MAINTENANCE AGREEMENT [illegible] BE RECORDED WITH THE RECORD PLAT.
13. ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO [illegible] OF THE CLEARED AREA AND CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.
14. ADDITIONAL SUBDIVISION OF THESE PARCELS AND/OR LOTS WILL REQUIRE SWM CONTROLS FOR THE SITE AND THE ADDITIONAL SUBDIVISION.

GROUNDWATER MANAGEMENT NOTES

UNLESS SHOWN HEREON ALL OTHER WELLS & DISPOSAL SYSTEMS ARE NOT WITHIN 100' OF THE SUBJECT PROPERTY (TO INCLUDE UNDERGROUND FUEL STORAGE TANKS)

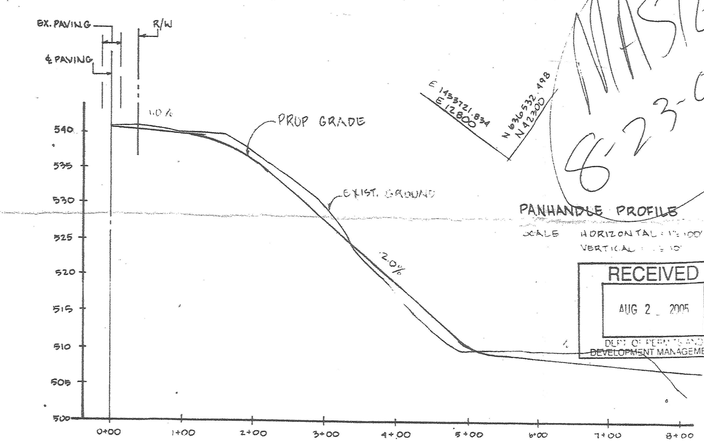
A NEW SEWAGE DISPOSAL SYSTEM WAS INSTALLED IN THIS LOCATION IN 1989 PER BALTO CO RECONSTRUCTION PERMIT.

DENSITY CALCULATIONS

NET AREA OF TRACT = 3.946 AC
EXISTING ZONING = DR 1
DWLG UNITS ALLOWED = 3.9 x 1.3
DWLG UNITS PROPOSED = 3

BALTIMORE COUNTY MINOR SUBDIVISION PROJECT NO. 01052M	
DEVELOPMENT REGULATIONS	
✓ EXEMPT FROM ARTICLE 32, TITLE 4, SUBTITLE 2	
✓ PANHANDLE EXEMPT FROM SECTIONS 32-4-2-21 THROUGH 32-4-227 AND 32-4-229	
DPM CERTIFICATION ✓ APPROVED	___ DISAPPROVED
BY: Bruno Rudaitis	DATE 3/3/05
APPROVED DEPRM	
BY: Thomas L. Usher	DATE: 8/11/05

BALTIMORE COUNTY MINOR SUBDIVISION PROJECT NO. 01052M	
DEVELOPMENT REGULATIONS	
☐ EXEMPT FROM DIVISION 2	
☑ PANHANDLE EXEMPT FROM SECT. 26-202, 26-206	
DPM CERTIFICATION ☑ APPROVED	☐ DISAPPROVED
BY: Bruno Rudaitis	DATE 6/27/05
APPROVED - DEPRM	
BY: Thomas L. Usher	DATE 6/30/05



PANHANDLE PROFILE
SCALE HORIZONTAL 1" = 100'
VERTICAL 1" = 10'

RECEIVED
AUG 2 2005
DEPT OF PERMITS AND DEVELOPMENT MANAGEMENT

MASTER 6-23-05

OWNER

JAMES K. KHEE
GRACE K. KHEE
1215 PROVIDENCE RD
BALTIMORE, MARYLAND
21286

E	3-21-03 - REV. PER GROUNDWATER MGMT.
G	2-17-03 - REV. PER GROUNDWATER MGMT.

REVISIONS		
NO.	DATE	DESCRIPTION
1	1-12-01	REV. PER EIA COMMENTS
2	12-04-01	REV. PER ZONING COMMENTS
3	8-5-02	REV. PER [illegible]
4	2-13-02	AGENCY COMMENTS
5	3-25-02	AGENCY COMMENTS

SPELLMAN, LARSON & ASSOCIATES, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
SUITE 406, JEFFERSON BLDG., TOWSON, MD 21204
PHONE: 823-3535

MINOR SUBDIVISION

1215 PROVIDENCE ROAD

KHEE PROPERTY

MINOR SUB. NO. 01052M

BALTIMORE CO., MD

PRIVATE RIGHT OF WAY NOTE

BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAT TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS A PRIVATE RIGHT OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, REGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID PRIVATE RIGHT OF WAY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, AND MAINTAINING UTILITIES SUCH AS, BUT NOT LIMITED TO, WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE TELEVISION.

I hereby certify that I have reviewed with due diligence the minor subdivision comments dated July 11, 2001 and have prepared with due diligence this Minor Subdivision Plat pursuant to said comments.

☆ BALTIMORE COUNTY MINOR SUBDIVISION PROJECT NO 01052M	
DEVELOPMENT REGULATIONS	
☐ EXEMPT FROM DIVISION 2	
☑ PANHANDLE EXEMPT FROM SECT. 26-202, 26-206	
DPM CERTIFICATION ☑ APPROVED	☐ DISAPPROVED
BY: Bruno Rudaitis	DATE 3/5/05
APPROVED, DEPRM	
BY: Thomas L. Usher	DATE 6/11/05

PROTESTANT'S EXHIBIT NO. 1

DATE: [illegible] BY: [illegible] SHT. 1 OF [illegible]

Baltimore County Department of Environmental Protection and Sustainability

Soil Percolation Test Results

Subdivision Name RHEE

Address: 1215 PROVIDENCE RD, BALTIMORE, MD

Location Description:

Facility Type Private

District:

Tax ID: 0903470080

Lot #	Perc Hole	Test Date	Inspector	Depth (ft.)	Infiltration Rate (min.)	Soil Profile	Comments
01	1A	04/06/2001	Clare Brunner			CLAY 0-5' LRS 5-12' ROCK	
01	1B	04/06/2001	Clare Brunner			CLAY 0-5' LRS 5-13' ROCK	
02	2A	04/06/2001	Clare Brunner			CLAY 0-4' LRS 4-12' ROCK	
02	2B	04/06/2001	Clare Brunner			CLAY 0-5' LRS 5-13' ROCK	
02	2C	04/06/2001	Clare Brunner	4ft.	5	CLAY 0-4' LRS 4-13' ROCK	HIGH HOLE
03	3A	04/06/2001	Clare Brunner	5ft.	5	CLAY 0-5' LRS 5-14' ROCK	HIGH HOLE
03	3B	04/06/2001	Clare Brunner			CLAY 0-4' LRS 4-13' ROCK	
03	3C	04/06/2001	Clare Brunner			CLAY 0-7' LRS 7-12' ROCK	
03	3D	04/06/2001	Clare Brunner			CLAY 0-4' LRS 4-16'	

Overall Comments: THERE ARE MANY NEIGHBORING PROPERTIES. REVISED PLANS MUST INCLUDE ADDRESSES AND SUBDIVISIONS. THIS M AY REQUIRE ANOTHER INSPECTION TO VERIFY NIEGHBORING WELLS AND SRAS.EXISTING WELL IS DRILLED WITH CASING ABOVE GRADE IN GOOD CONDITION WITH NO TAG NUMBER. THE EXISTING SEPTIC SYSTEM IS A CONCRETE TANK WITH TRENCHES IN GOOD CONDITION. NO UNDERGROUND STORAGE TANK ACCORDING TO MRS. RHEE.

Total Number of Perc Holes: 9

PROTESTANT'S

EXHIBIT NO. 2

VICINITY MAP

SCALE: 1" = 2,000'

Ex. DW.

UNIMPROVED

1217 PROVIDENCE RD.
DENNIS MICHAEL FEOLA
LORRAINE G. FEOLA
T.A.# 0901350000
DEED REF: 10826/337

PROVIDENCE RD.
ARNOLD J. ALBRECHT SR.
ARNOLD J. ALBRECHT JR.
T.A.# 1600002571
DEED REF: 28592/399

REQUESTED 25' BSL

1050.96'

725.87'

161.14'

S53°38'E

N36°22'W

168.70'

N83°41'W 233.85

25'

20'

25

28'

PROP. DWELLING

53'

DRI BSL 50'

WELL ENV.

172.2' TO SRA

LOT 3
#1215B
RETEST FAILED

3A 10,000 SF SRA

3B

LOT 2

1215A PROVIDENCE RD.
JAMES K. RHEE
GRACE K. RHEE
T.A.# 2400008911

1108 TEMFIELD RD.
RODOLFO E. DOLLETE
FE T REYER-DOLLETE
T.A.# 1600012174
DEED REF: 19696/536

1106 TEMFIELD RD.
DONALD A. RIGGINS JR.
T.A.# 1600012173
DEED REF: 36178/423

1018 COWPENS AVE.
MICHELLE M. BOURQUE
DILSON THEIS
T.A.# 0908305270
DEED REF: 32229/466

1012 COWPENS AVE.
JOHN J. OTTENA
HEATHER A. OTTENA
T.A.# 2000013635
DEED REF: 40560/47

AREA OF SRA TO BE REPLACED

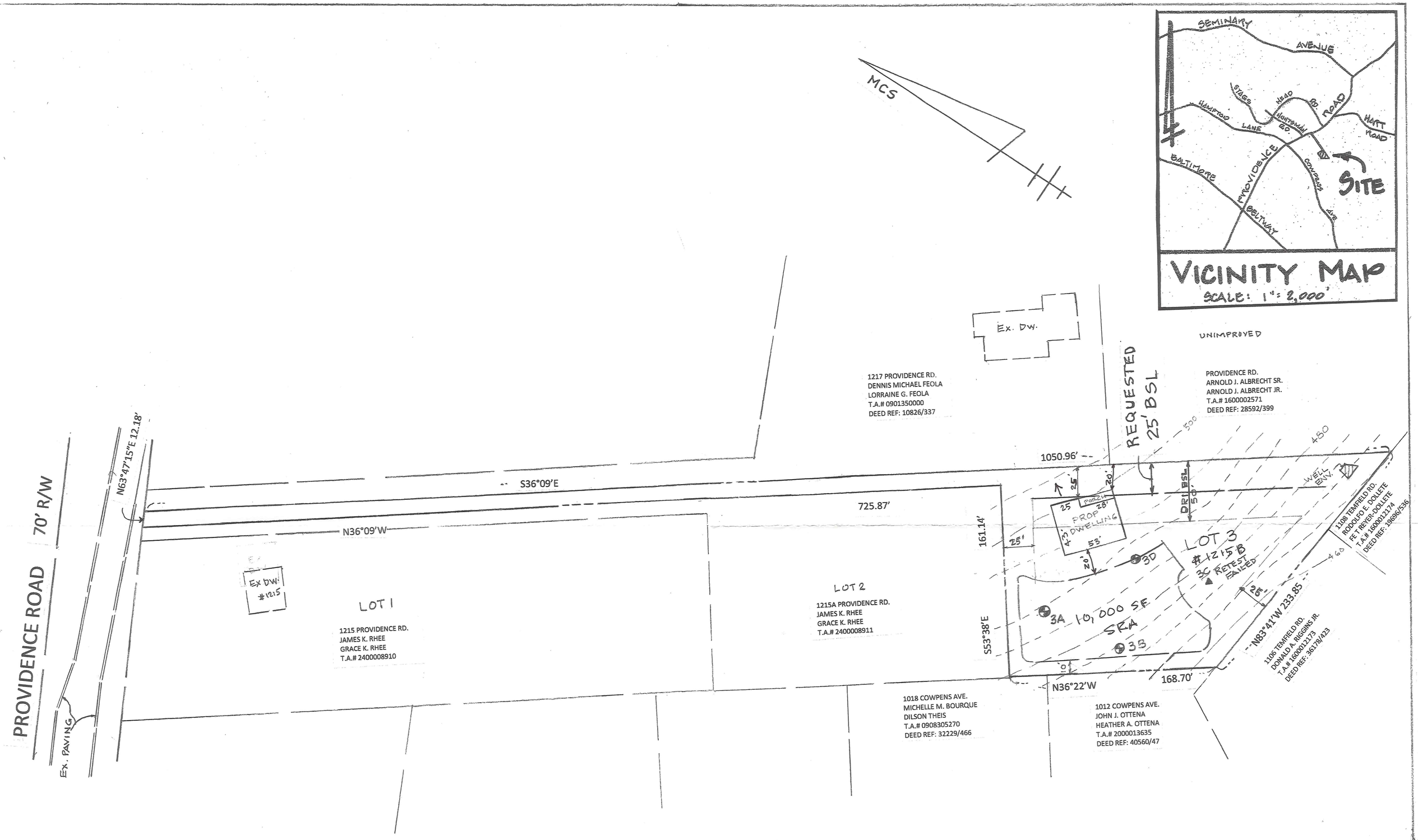
REPLACEMENT AREA OF SRA

PROTESTANT'S

EXHIBIT NO. 3

ZONING HEARING PLAN

1" = 66'±



GENERAL NOTES

1)	OWNERS:	5)	NOT HISTORIC
	JAMES & GRACE RHEE	6)	NOT IN CBCA
	1215 PROVIDENCE ROAD	7)	NOT IN A FLOOD PLAIN
	BALTIMORE, MD 21286	8)	WATER & SEWER ARE PRIVATE
2)	ZONING MAP 061C3	9)	NO PRIOR HEARINGS
3)	SITE & ADJOINING PROPERTIES	10)	NO PRIOR ZONING VIOLATIONS
	ZONED DR-1		
4)	LOT AREA = 1.2 AC. ±		

ZONING HEARING PLAN
FOR VARIANCE REQUEST FOR:
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ELECTION DISTRICT 9C6
BALTIMORE COUNTY, MD.
LOT 3, 1215 PROVIDENCE RD./
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