

MEMORANDUM

DATE: August 24, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0108-A – Appeal Period Expired

The appeal period for the above-referenced cases expired on July 22, 2020. 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
(213 Rosewood Avenue)		
1 st Election District	*	OFFICE OF ADMINISTRATIVE
1 st Council District		
David & Yvonne Lienhard	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2020-0108-A

* * * * *

ORDER ON MOTION FOR RECONSIDERATION AND
ORDER OF DISMISSAL

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County. The Petitioners (David and Yvonne Lienhard) originally filed an Administrative Variance for property located at 213 Rosewood Avenue. The relief was requested from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”), to permit a rear yard addition with a 15 ft. rear setback in lieu of the required 30 ft. setback and a side yard setback of 9 ft. in lieu of the required 10 ft.

By Opinion and Order dated May 27, 2020, the undersigned granted the Administrative Variance request in accordance with the site plan and documentation within the case file.

On May 29, 2020, Bradley and Laura Wheaton, who reside at 211 Rosewood Avenue, filed via e-mail a Motion for Reconsideration of the May 27, 2020 Opinion and Order. In the Motion, they documented their efforts to submit timely written objection to the requested variance relief. *See*, Motion for Reconsideration, attached as Exhibit 1 to this Order. They also attached the documentation that they had timely mailed via regular mail, as well as by e-mail to the Zoning Office (on May 21, 2020, four days prior to the deadline for submitting comments). Protestants’ Exhibits raised concern that their information was not originally contained in the case file. In addition, they are opposing Petitioner’s request because their property lies downslope from

ORDER RECEIVED FOR FILING

Date 6-22-2020

By [Signature]

Petitioners and indicated they would suffer from the additional stormwater runoff.

In addition, on June 1, 2020, an e-mail was received from Patrick ("Rick") Richardson requesting a correction in the body of the May 27, 2020 Opinion and Order (paragraph 1) to reflect the accurate Petitioners.

On June 4, 2020, correspondence was received from Patrick C. Richardson, Jr., P.E., on behalf of the Petitioners, requesting to dismiss the zoning case as owners have decided that they are not going forward with the construction of the addition and wished to withdraw their request.

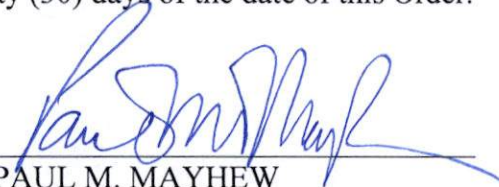
THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 22nd day of **June, 2020**, that the request of Patrick ("Rick") Richardson on behalf of Petitioners, to correct paragraph 1 of the May 27, 2020 Opinion and Order to reflect the accurate Petitioners, be and is hereby **GRANTED** and shall be revised as follows:

"This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owners of the property, **David and Yvonne Lienhart** ("Petitioners"). [Emphasis Added]

IT IS FURTHER ORDERED that the Petition for Variance filed in the above captioned matter, be and is hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Motion for Reconsideration, be and is hereby **MOOT**.

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 6-22-2020

By PW

Debra Wiley

From: Laura Wheaton <laura.c.wheaton@gmail.com>
Sent: Friday, May 29, 2020 3:55 PM
To: Administrative Hearings
Cc: Brad Wheaton; Sherry Nuffer; County Council District 1
Subject: Motion for Reconsideration - Petition 2020-0108-A
Attachments: 2020-05-21-original-email-to-BaltCo-Zoning.pdf; Comments regarding zoning variance petition 2020-0108-A.pdf; 2020-0108-A to permit a rear yard setback with a 15' rear setback in lieu of the required 30'.docx

Follow Up Flag: Flag for follow up
Flag Status: Flagged

CAUTION: This message from laura.c.wheaton@gmail.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 Sherry and the Administrative Hearings Team,

We are writing to submit a Motion for Reconsideration regarding Zoning Variance Petition 2020-0108-A. It is clear from the judgement issued on 5/27/20, which states "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..." that our comments were not included in the file. Our comments, attached to this email, expressed our concern that the variance if granted would increase the risk of damage to our adjacent property and those nearby from stormwater.

We request that the petition be reconsidered with the written comments we had submitted before the 5/25/20 deadline. This motion would not have been necessary had our submitted comments been included in the file sent for your consideration.

Please see below a timeline of our repeated attempts to participate in the zoning variance process:

5/10 - Sign Posted

5/12 - Emailed paizoning@baltimorecountymd.gov requesting information about the zoning variance, no response received

5/13 - Called zoning office to request information about the zoning variance process. Was told:

- The file is a paper file, and information is not available over the web. The paper file cannot be viewed because County buildings are closed to the public due to coronavirus.
- The rough exterior dimensions of the proposed addition was provided based on the county employee reading from the file.
- We had two options: either we could contest the variance and pursue a public hearing, or we could submit via USPS mail written comments which would be added to the file before it was sent to the various agencies for review, and then to the administrative hearing staff. We were given the main address for the zoning office as the place to which my written comments should be mailed. We were told that emailed comments to the zoning office were insufficient and that they had to be submitted via USPS mail because the zoning office would not print emailed comments and add them to the folder.

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Date 6-22-2020

By DS

5/20 - Mailed written comments to 111 West Chesapeake Avenue, Room 111, Towson, Maryland 21204, Attn: Zoning as we had been directed. (It took a few days to prepare our written comments and compile the supporting figures)

5/21 - Emailed paizoning@baltimorecountymd.gov to notify them that written comments had been sent via USPS and requesting notification when they arrived. Email included a PDF attachment of the comments. No response received. A copy of that email is attached.

5/25 - Date comments were formally due, a federal holiday.

5/28 - Having not heard a response to either email, called the zoning office three times to confirm that our written comments had been received.

1. The first time (11:55am) we were told that our comments were not in the file available, and that we needed to speak with Jason Sidleman, who was at lunch but would return at 1pm. The person who answered the phone took down Laura's number and told her she would give it to him.
2. The second time we called (1:35pm) and asked for Jason and left him a voicemail.
3. The third time we called (3:45pm) and asked for Jason, we were told he had left for the day. Laura asked if she could leave him a voicemail, and was informed that "he was not able to check his voicemail." She mentioned her previous call, and was told that it had been discussed, and "Jason said it might not be in the 'dummy folder' he had, but that it might be in the real folder Janae has to send over to the law judge." She was then transferred to Janae, who informed us that she no longer had the file, and it had been sent to the law judge. We were told to call the law judge's office on 5/29 because it had closed for the day.
4. We then called the law judge's office and left a voicemail.

5/29 - Sherry from the law judge's office called Laura, and said she would confirm whether the comments had been included. She called back later in the afternoon to say the comments had not been included in the information used to render a decision, and that we should have been able to submit them via email to Zoning (which we had, as well as US Mail, both before the deadline). She provided information on how to file a Motion for Reconsideration.

We would appreciate an email confirmation of your receipt of our communication and comments, and information on the next steps in the process.

Sincerely,

Laura & Brad Wheaton
211 Rosewood Avenue
Catonsville, MD 21228

ORDER RECEIVED FOR FILING

Date 6-25-2020 2

Rv [Signature]

IN RE: PETITION FOR ADMIN. VARIANCE
(213 Rosewood Avenue)
1st Election District
1st Council District
David & Yvonne Lienhard
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2020-0108-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Michael F. and Carolina H. Cronin (“Petitioners”). The Petitioners are requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”), to permit a rear yard addition with a 15' rear setback in lieu of the required 30' setback and a side yard setback of 9' in lieu of the required 10 feet. 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. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 10, 2020, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

ORDER RECEIVED FOR FILING

Date

5/27/2020

By

sen

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.

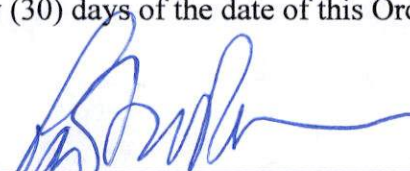
Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 27th day of **May, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit a rear yard addition with a 15' rear setback in lieu of the required 30' setback and a side yard setback of 9' in lieu of the required 10 feet, be and is hereby GRANTED.

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.

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 5/27/2020
By sln



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 Law of Baltimore County for the property located at:

Address 213 Rosewood Avenue which is presently zoned DR-5.5

Deed Reference 12308 / 558 10 Digit Tax Account # 0119480090

Property Owner(s) Printed Name(s) David C. & Yvonne O. Lienhard

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

Administrative Variances require that the **Affidavit** on the reverse of this Petition Form be completed / notarized.

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

1. **X** **ADMINISTRATIVE VARIANCE** from section(s)

BCZR: 1B02.3.C.1. → To permit a rear yard addition with a 15' rear setback in lieu of the required 30' setback and a side yard setback of 9' in lieu of the required 10 feet.

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

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

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

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

Legal Owners:

David C. Lienhard / Yvonne O. Lienhard

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

Signature #1 Signature #2

213 Rosewood Avenue Baltimore MD

Mailing Address City State

21228 / 443-202-9778 / lienhard14@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC Rick Richardson

Name – Type or Print

Signature

30 E. Padonia Road Timonium MD

Mailing Address City State

21093 / 410-560-1502 / rick@richardsonengineering.net

Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2020-0108-A Filing Date 4/30/20 Estimated Posting Date 5/10/20 Reviewer JS

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 to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 213 Rosewood Avenue Baltimore MD 21228
Print or Type Address of property City State Zip Code

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

The existing house is located in the center of the lot and we intend to construct an addition on the rear of the house. The location of the addition is dictated by the interior layout of the house with flow of the new room from the existing house. It is not practical to move the house and expansion of the house is not possible without relief from the setbacks requested.

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

David C. Lienhard
Signature of Affiant

David C. Lienhard
Name- Print or Type

Yvonne O. Lienhard
Signature of Affiant

Yvonne O. Lienhard
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 22ND day of April, 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

David Lienhard and Yvonne Lienhard
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) **(Print name(s) here)**

AS WITNESS my hand and Notaries Seal

Cecilia A Booth
Notary Public

My Commission Expires

CECILIA A BOOTH
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES MARCH 15, 2021

REV. 10/12/11



RECEIVED
JAN 10 1904
U.S. DEPT. OF AGRICULTURE
WASHINGTON, D.C.

**ZONING PROPERTY DESCRIPTION FOR
213 ROSEWOOD AVENUE
1st ELECTION DISTRICT
1st COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the West side of Rosewood Avenue 180 feet +/- South of the intersection of Rosewood Avenue and Midvale Avenue; then the following bearings and distances (1) South 64 degrees 33 minutes West 95.00 feet, (2) South 27 degrees 09 minutes East 51.50 feet, (3) North 64 degrees 33 minutes East 95.00 feet, (4) North 27 degrees 09 minutes West 51.50 feet to the point of beginning.

Containing a net area of 4,890 square feet or 0.11 acres +/-.

2020-0108-A

CERTIFICATE OF POSTING

2020-0108-A

RE: Case No.: _____

Petitioner/Developer: _____

Lienhard

May 25, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

213 Rosewood Avenue

SIGN 1 Recertification

May 10, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 May 24, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0108-A

RE: Case No.: _____

Petitioner/Developer: _____

Lienhard

May 25, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

213 Rosewood Avenue

SIGN 2 Recertification

May 10, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 May 24, 2020

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0108-A

RE: Case No.: _____

Petitioner/Developer: _____

Lienhard

May 25, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

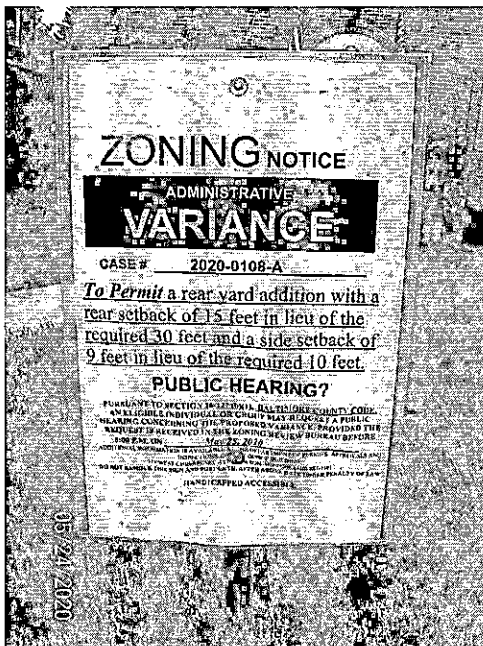
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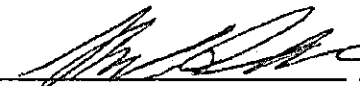
SIGN 1 Recertification

May 10, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 May 24, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0108-A

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Petitioner/Developer: _____

Lienhard

May 25, 2020

Date of Hearing/Closing: _____

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Permits, Approvals and Inspections
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Ladies and Gentlemen:

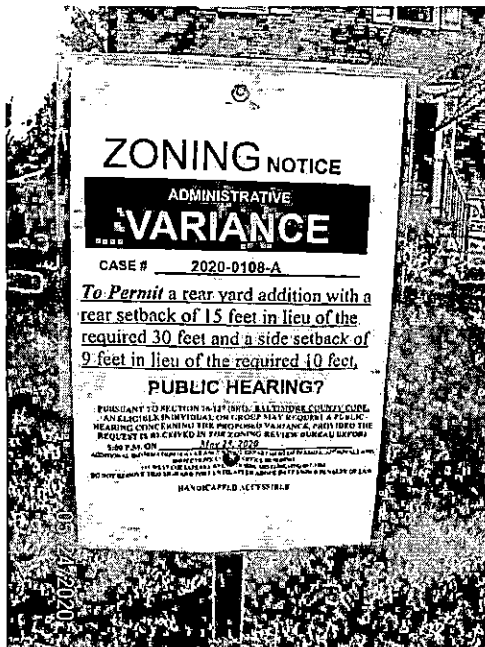
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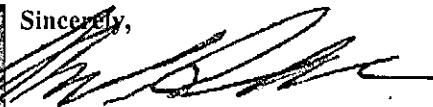
SIGN 2 Recertification

May 10, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 May 24, 2020

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0108-A

RE: Case No.: _____

Petitioner/Developer: _____

Lienhard

May 25, 2020

Date of Hearing/Closing: _____

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Permits, Approvals and Inspections
County Office Building, Room 111
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Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

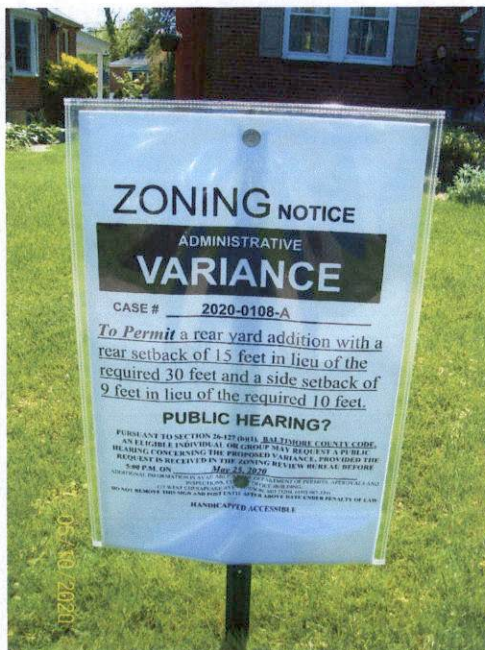
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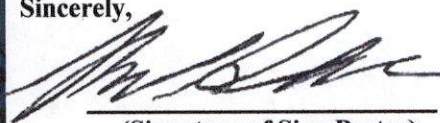
SIGN 1

May 10, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 **May 10, 2020**

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0108-A

RE: Case No.: _____

Petitioner/Developer: _____

Lienhard

May 25, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

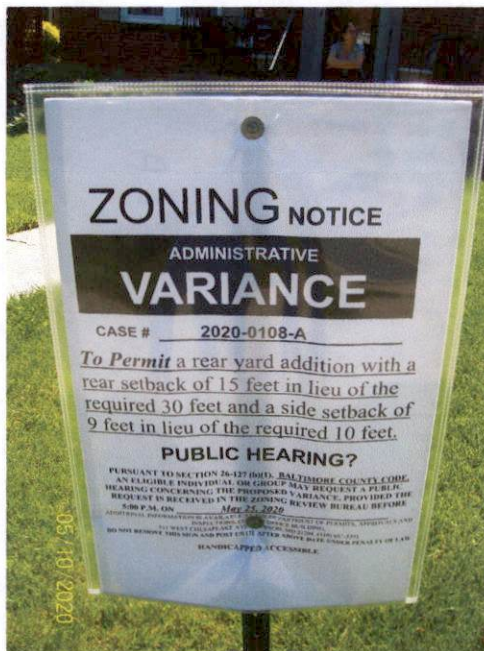
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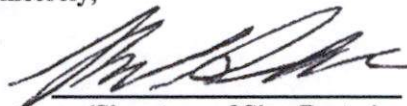
SIGN 2

May 10, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 May 10, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 0108 -A Address 213 ROSEWOOD AVENUE, 21228
Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 4/30/20 Posting Date: 5/10/20 Closing Date: 5/25/20

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 2020- 0108 -A Address 213 ROSEWOOD AVENUE, 21228
Petitioner's Name LIENHARS Telephone 443-202-9778
Posting Date: 5/10/20 Closing Date: 5/25/20
Wording for Sign: TO PERMIT A REAR YARD ADDITION WITH A REAR SETBACK OF 15 FEET
IN LIEU OF THE REQUIRED 30 FEET, AND A SIDE YARD SETBACK OF 9 FEET IN
LIEU OF THE REQUIRED 10 FEET.

Revised 2/20/2020

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: 2020-0108-A

Property Address: 213 ROSEWOOD AVENUE, 21228

Property Description:

Legal Owners (Petitioners): DAVID + YVONNE LIENHARD

Contract Purchaser/Lessee:

PLEASE FORWARD ADVERTISING BILL TO:

Name: RICK RICHARDSON

Company/Firm (if applicable): RICHARDSON ENGINEERING

Address: 30 E. PASONIA ROAD

TIMONUM, MD 21093

Telephone Number: 410-560-1502

Revised 7/9/2015



JOHN A. OLSZEWSKI, JR.
County Executive

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

May 26, 2020

Richardson Engineering,
30 E. Padonia Road
Timonium MD 21093

RE: Case Number: 2020-0108-A, 213 Rosewood Avenue

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 April 30, 2020. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: May 7, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0108-A
Address 213 Rosewood Avenue
(Lienhard Property)

Zoning Advisory Committee Meeting of **May 11, 2020**.

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

Reviewer: Steve Ford

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Gregory Slater
Secretary
Tim Smith, P.E.
Acting Administrator

Date: May 12, 2020

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. 2020-0108-A

Administrative Variance
David C. & Yvonne O. Lienhard
213 Rosewood Avenue

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@mdot.maryland.gov).

Sincerely,



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

WW/RAZ

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>5/7</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>5/12</u>	STATE HIGHWAY ADMINISTRATION	<u>NO Objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING (1 st)	Date: <u>5/10</u>	by <u>SSG Robox + Black</u>
SIGN POSTING (2 nd)	Date: <u>5/24</u>	by <u>1111</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Debra Wiley

From: Paul Mayhew
Sent: Wednesday, June 17, 2020 3:05 PM
To: Debra Wiley
Subject: FW: FW: Case No. 2020-0108-A
Attachments: 060320 Mayhew.pdf

Deb,
Here's the withdrawal of the petition in this case. Thanks

Paul M. Mayhew
Managing Administrative Law Judge
105 West Chesapeake Ave., Suite 103
Towson, Maryland 21204
410-887-3868
pmayhew@baltimorecountymd.gov

From: Paul Mayhew
Sent: Friday, June 5, 2020 10:28 AM
To: 'Laura Wheaton' <laura.c.wheaton@gmail.com>
Cc: 'Richardson, Patrick' <rick@richardsonengineering.net>
Subject: FW: FW: Case No. 2020-0108-A

Ms. Wheaton,
See the attached letter from your neighbors' engineer whereby they have withdrawn their request for a variance.

Paul M. Mayhew
Managing Administrative Law Judge
105 West Chesapeake Ave., Suite 103
Towson, Maryland 21204
410-887-3868
pmayhew@baltimorecountymd.gov

From: Richardson, Patrick <rick@richardsonengineering.net>
Sent: Thursday, June 4, 2020 9:18 PM
To: Paul Mayhew <pmayhew@baltimorecountymd.gov>
Cc: Yvonne <lienhard14@gmail.com>; Michael Owings <michael@owingsbrothers.com>
Subject: RE: FW: Case No. 2020-0108-A

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

Mr. Mayhew, please see the attached letter requesting a withdraw of the petition on behalf of the property owner.

If you have any questions, please feel free to contact me.
Thank you for your consideration.

Richardson Engineering, LLC

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

Tel: 410-560-1502
Fax: 443-901-1208

June 4, 2020

Mr. Paul M. Mayhew
Managing Administrative Law Judge
105 West Chesapeake Ave., Suite 103
Towson, MD 21204

Subject: 213 Rosewood Avenue - 2020-0108-A

Dear Mr. Mayhew:

I am hereby requesting to dismiss the zoning case for this property. The owner has decided that they are not going to go forward with the construction of the addition and wish to withdraw their request.

We thank you for your consideration of the above request.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick C. Richardson, Jr.", with a stylized, cursive script.

Patrick C. Richardson, Jr., P.E.

Paul Mayhew

From: Paul Mayhew
Sent: Wednesday, June 3, 2020 12:38 PM
To: 'rick@richardsonengineering.net'
Cc: 'laura.c.wheaton@gmail.com'
Subject: FW: Case No. 2020-0108-A
Attachments: 20200603123216641.pdf

Mr. Richardson:

Attached is a copy of a Motion for Reconsideration that was filed by the adjoining property owners, Laura and Brad Wheaton. In fairness to your clients, the Lienhards, I will allow you 14 days to respond to the Motion if you wish. You are free to do so by e-mail. I will then issue my Decision and Order.

Paul M. Mayhew
Managing Administrative Law Judge
105 West Chesapeake Ave., Suite 103
Towson, Maryland 21204
410-887-3868
pmayhew@baltimorecountymd.gov

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

From: adminhearingscpr@baltimorecountymd.gov <adminhearingscpr@baltimorecountymd.gov>
Sent: Wednesday, June 3, 2020 12:32 PM
To: Paul Mayhew <pmayhew@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 06.03.2020 12:32:16 (-0400)
Queries to: adminhearingscpr@baltimorecountymd.gov

Debra Wiley

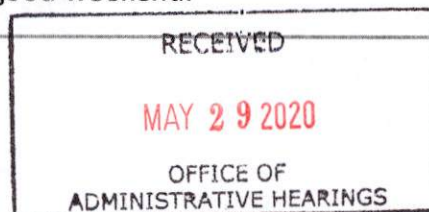
From: Administrative Hearings
Sent: Friday, May 29, 2020 5:28 PM
To: Laura Wheaton
Cc: Brad Wheaton; Sherry Nuffer; County Council District 1
Subject: Re: Motion for Reconsideration - Petition 2020-0108-A

Good Evening,

This is to acknowledge receipt of your email which will be treated as a Motion for Reconsideration. This Motion will be given to the judge who will review your information and issue a Motion for Reconsideration Order next week.

Thank you for contacting the Office of Administrative Hearings and have a good weekend.

From: Laura Wheaton <laura.c.wheaton@gmail.com>
Sent: Friday, May 29, 2020 3:54:33 PM
To: Administrative Hearings
Cc: Brad Wheaton; Sherry Nuffer; County Council District 1
Subject: Motion for Reconsideration - Petition 2020-0108-A



CAUTION: This message from laura.c.wheaton@gmail.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 Sherry and the Administrative Hearings Team,

We are writing to submit a Motion for Reconsideration regarding Zoning Variance Petition 2020-0108-A. It is clear from the judgement issued on 5/27/20, which states "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..." that our comments were not included in the file. Our comments, attached to this email, expressed our concern that the variance if granted would increase the risk of damage to our adjacent property and those nearby from stormwater.

We request that the petition be reconsidered with the written comments we had submitted before the 5/25/20 deadline. This motion would not have been necessary had our submitted comments been included in the file sent for your consideration.

Please see below a timeline of our repeated attempts to participate in the zoning variance process:

5/10 - Sign Posted

5/12 - Emailed paizoning@baltimorecountymd.gov requesting information about the zoning variance, no response received

5/13 - Called zoning office to request information about the zoning variance process. Was told:

- The file is a paper file, and information is not available over the web. The paper file cannot be viewed because County buildings are closed to the public due to coronavirus.
- The rough exterior dimensions of the proposed addition was provided based on the county employee reading from the file.

Debra Wiley

From: Laura Wheaton <laura.c.wheaton@gmail.com>
Sent: Friday, May 29, 2020 3:55 PM
To: Administrative Hearings
Cc: Brad Wheaton; Sherry Nuffer, County Council District 1
Subject: Motion for Reconsideration - Petition 2020-0108-A
Attachments: 2020-05-21-original-email-to-BaltCo-Zoning.pdf; Comments regarding zoning variance petition 2020-0108-A.pdf; 2020-0108-A to permit a rear yard setback with a 15' rear setback in lieu of the required 30'.docx

Follow Up Flag: Flag for follow up
Flag Status: Flagged

CAUTION: This message from laura.c.wheaton@gmail.com originated from a non-Baltimore County Government or non-BCP email system. Hover over any links before clicking and use caution opening attachments.

Dear Sherry and the Administrative Hearings Team,

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- The file is a paper file, and information is not available over the web. The paper file cannot be viewed because County buildings are closed to the public due to coronavirus.
- The rough exterior dimensions of the proposed addition was provided based on the county employee reading from the file.
- We had two options: either we could contest the variance and pursue a public hearing, or we could submit via USPS mail written comments which would be added to the file before it was sent to the various agencies for review, and then to the administrative hearing staff. We were given the main address for the zoning office as the place to which my written comments should be mailed. We were told that emailed comments to the zoning office were insufficient and that they had to be submitted via USPS mail because the zoning office would not print emailed comments and add them to the folder.

5/20 - Mailed written comments to 111 West Chesapeake Avenue, Room 111, Towson, Maryland 21204, Attn: Zoning as we had been directed. (It took a few days to prepare our written comments and compile the supporting figures)

5/21 - Emailed paizoning@baltimorecountymd.gov to notify them that written comments had been sent via USPS and requesting notification when they arrived. Email included a PDF attachment of the comments. No response received. A copy of that email is attached.

5/25 - Date comments were formally due, a federal holiday.

5/28 - Having not heard a response to either email, called the zoning office three times to confirm that our written comments had been received.

1. The first time (11:55am) we were told that our comments were not in the file available, and that we needed to speak with Jason Sidleman, who was at lunch but would return at 1pm. The person who answered the phone took down Laura's number and told her she would give it to him.
2. The second time we called (1:35pm) and asked for Jason and left him a voicemail.
3. The third time we called (3:45pm) and asked for Jason, we were told he had left for the day. Laura asked if she could leave him a voicemail, and was informed that "he was not able to check his voicemail." She mentioned her previous call, and was told that it had been discussed, and "Jason said it might not be in the 'dummy folder' he had, but that it might be in the real folder Janae has to send over to the law judge." She was then transferred to Janae, who informed us that she no longer had the file, and it had been sent to the law judge. We were told to call the law judge's office on 5/29 because it had closed for the day.
4. We then called the law judge's office and left a voicemail.

5/29 - Sherry from the law judge's office called Laura, and said she would confirm whether the comments had been included. She called back later in the afternoon to say the comments had not been included in the information used to render a decision, and that we should have been able to submit them via email to Zoning (which we had, as well as US Mail, both before the deadline). She provided information on how to file a Motion for Reconsideration.

We would appreciate an email confirmation of your receipt of our communication and comments, and information on the next steps in the process.

Sincerely,

Laura & Brad Wheaton
211 Rosewood Avenue
Catonsville, MD 21228



Brad Wheaton <brad.wheaton@gmail.com>

Comments regarding zoning variance petition 2020-0108-A

Brad Wheaton <brad.wheaton@gmail.com>

Thu, May 21, 2020 at 3:43 PM

To: paizoning@baltimorecountymd.gov

Cc: Laura Wheaton <laura.c.wheaton@gmail.com>

To:

W. Carl Richards Jr., Supervisor

County Office Building

111 West Chesapeake Avenue, Room 111

Towson, Maryland 21204

Phone: 410-887-3391

Fax: 410-887-3048

Email: paizoning@baltimorecountymd.gov

Dear Carl,

Yesterday my wife and I mailed a comment regarding zoning variance petition 2020-0108-A. It is due to arrive to your office ahead of the deadline for comments. However, due to the covid-19 related uncertainties in mail transit and physical office presence, we wanted to provide you with a digital copy of the submitted comment. Please see attached.

The original version will hopefully arrive by end of this week.

Thanks,

Brad and Laura Wheaton (211 Rosewood Ave, Catonsville)



Comments regarding zoning variance petition 2020-0108-A.pdf

567K

ATTN: Zoning Review
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204
Phone: 410-887-3391

May 20, 2020

Dear Lawrence M. Stahl and Paul M. Mayhew,

We are writing in opposition to the proposed zoning variance for 213 Rosewood Avenue in Catonsville, listed under petition 2020-0108-A. We are the owners and occupants of the adjacent property, 211 Rosewood Avenue. Our property lies downslope from 213 Rosewood and would suffer from the additional stormwater runoff should the variance be granted.

Water in our backyard and those of 217, 215, 213, 209, and 207 Rosewood, along with 1507 Midvale, all runs to the alley and a storm drain behind 207 Rosewood. Sheet flow from 213 would run into either our backyard or 1507 Midvale on its way to the storm drain. Sheet flow from our backyard runs into the alley as well as the backyard of 209 Rosewood. See Figure 1 for a map of the immediate vicinity with contour lines made using My Neighborhood.

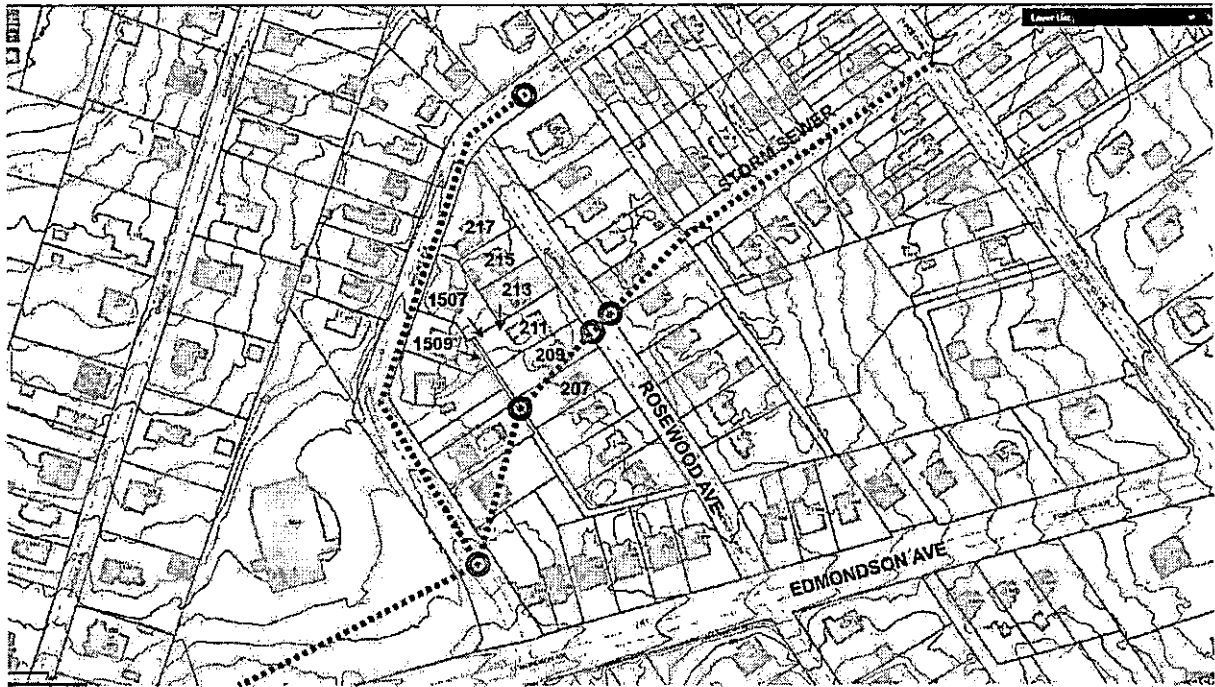


Figure 1 - contour map of relevant area

As currently exists, the property at 213 Rosewood has little pervious surface. The backyard contains a large shed, paver patio, areaway, and wood deck. See Figure 2 for a schematic of the existing backyard conditions, highlighting the current impervious surfaces from the existing

shed, deck, and paved patio. A rear addition to within 15'-0" of the rear property line would further reduce the pervious yard area and increase the sheet flow passing onto our property. In a 10-year storm the additional sheet flow from a 200 square foot addition would be 636 gallons. With so little pervious surface available on the property of 213 Rosewood, that water becomes the burden of its neighbors.

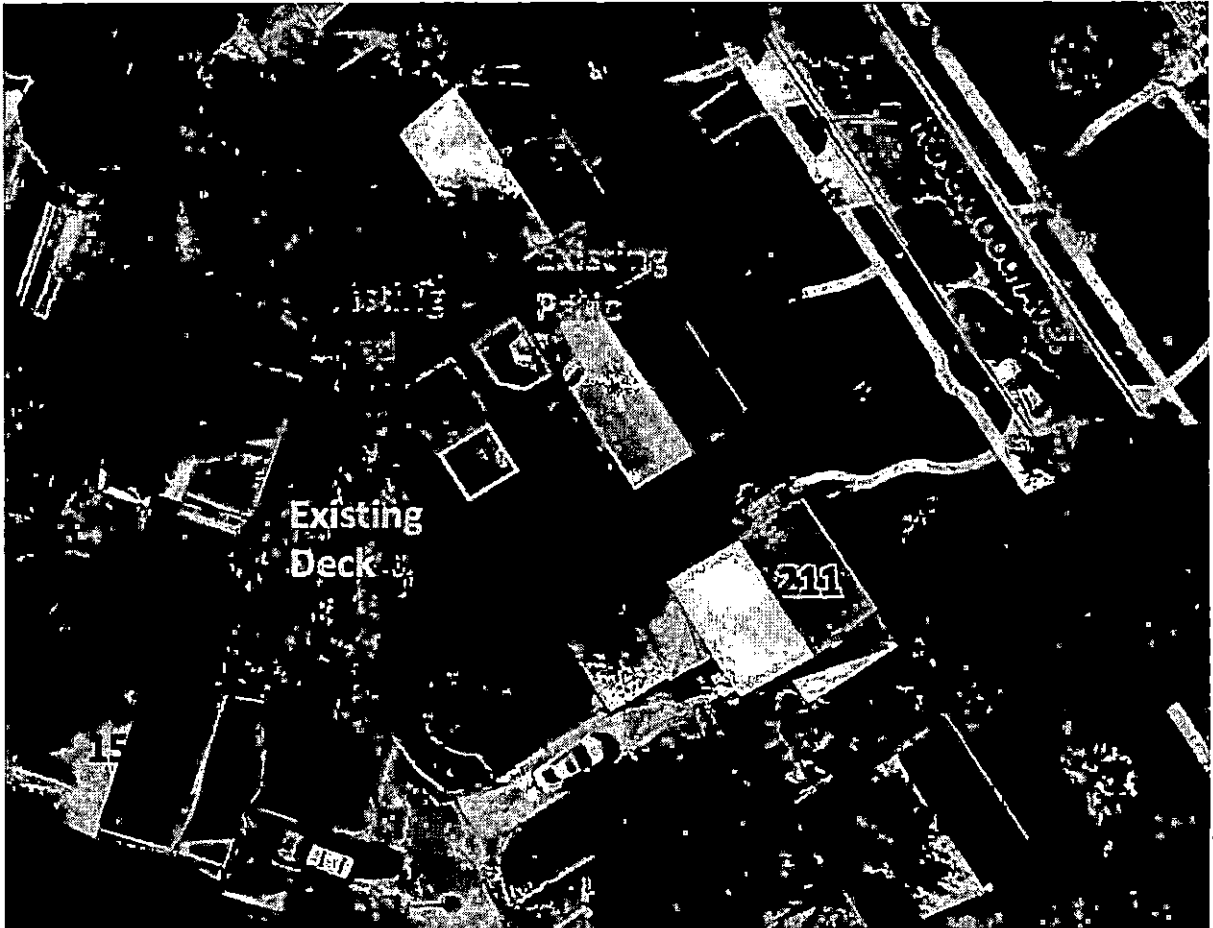


Figure 2 - schematic of existing backyard conditions showing little pervious area

Two underground tributaries of the Sawmill branch of the Patapsco watershed run near 213 Rosewood. One drains from a stormwater retention area in the woods north of our neighborhood, runs behind homes on Rice and Beechwood Avenues, then is piped along Midvale Avenue running west and south. The second originates in the eastern portion of the neighborhood and runs straight west, with the storm drains appearing in each street and alley at approximately the midpoint of the 200 block. On Rosewood Avenue, our storm drains are near 209 Rosewood. This second piped conveyance merges with the first under Midvale Avenue and runs further west under the Sterling-Ashton-Schwab-Witzke funeral home, under Edmondson Avenue, and merges with the Sawmill branch.

In May 2018 this stormwater system failed. The storm drains backed up; yards and roads were flooded (see Figure 3). Somehow the sanitary sewer was also overloaded, and toilets in the basements of 211, 209, 207, and 205 (that we personally know of from conversations with the owners) overflowed with sewage, flooding the basements of these homes. We also observed flood repair equipment at 213 Rosewood, although we did not discuss the specific cause with the petitioners. There was tens of thousands of dollars of damage to our property alone.



Figure 3 - Failure of stormwater system during May 2018 rain event

One might say this was an exceptional incident. After all, the rainfalls ranked for a 1000 year storm. However, Ellicott City has proved that the exceptional is becoming more regular as we experience the effects of climate change. The stormwater system in the immediate area has also shown signs of deterioration. Construction equipment parked on Midvale Avenue a few years ago collapsed part of the street above the storm sewer and required repair. A small sinkhole is marked on the funeral home lawn so the mowers know to avoid it. We are deeply concerned that in future heavy rainfalls we may experience similar or worse failures of the county systems.

A zoning variance provides relief to a property owner that faces hardship because of the application of the zoning code to their property, has a need to build beyond the constraints of

the zoning code, and in doing so would not be in opposition to the public good. We are deeply concerned that an action by Baltimore County to permit additional construction above and beyond our current zoning without having made infrastructure improvements to the stormwater system would increase the risk for stormwater-related damage to not only our property, but our neighbors as well.

We encourage you to refuse the variance petition for the protection of the adjacent properties. If you see fit to grant the petition, we request it be with the provision that the property owner either make an equal amount of currently impervious area permanently pervious, or incorporate stormwater management onsite for the anticipated load under the 10-year 24 hour rainfall.

Sincerely,

Laura C. Wheaton
211 Rosewood Avenue, Catonsville, MD 21228

Bradley M. Wheaton
211 Rosewood Avenue, Catonsville, MD 21228

Debra Wiley

Revision Request
Pet's Names

From: Debra Wiley
Sent: Monday, June 1, 2020 12:29 PM
To: 'Richardson, Patrick'
Subject: RE: 2020-0108-A

Incorrect
Parag. 1

Rick,

I am in receipt of your email. I see that Sherry inadvertently copied other Petitioners' names. Unfortunately, a Motion for Reconsideration came in and ALJ Mayhew will need to work on that and I will certainly bring this to his attention to get that corrected as well.

Thanks and stay safe.

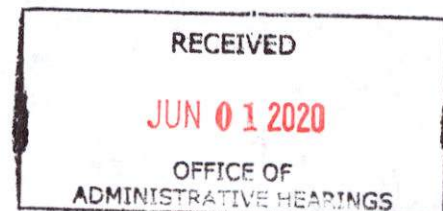
Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

From: Richardson, Patrick <rick@richardsonengineering.net>
Sent: Monday, June 1, 2020 12:02 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: 2020-0108-A

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

Debbie, the attached order was received today. the owners names are not correct. It is Lienhards.
The letter was address to them, but the order is not correct.
Can you change and re-issue?

Rick Richardson
Richardson Engineering, LLC
30 E. Padonia Road Suite 500
Timonium, MD 21093
410-560-1502-x112
fax: 443-901-1208



IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(213 Rosewood Avenue)		
1 st Election District	*	OFFICE OF ADMINISTRATIVE
1 st Council District		
David & Yvonne Lienhard	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2020-0108-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Michael F. and Carolina H. Cronin (“Petitioners”). The Petitioners are requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”), to permit a rear yard addition with a 15' rear setback in lieu of the required 30' setback and a side yard setback of 9' in lieu of the required 10 feet. 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. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 10, 2020, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

ORDER RECEIVED FOR FILING

Date 5/27/2020

By sen

ATTN: Zoning Review
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204
Phone: 410-887-3391

May 20, 2020

Dear Lawrence M. Stahl and Paul M. Mayhew,

We are writing in opposition to the proposed zoning variance for 213 Rosewood Avenue in Catonsville, listed under petition 2020-0108-A. We are the owners and occupants of the adjacent property, 211 Rosewood Avenue. Our property lies downslope from 213 Rosewood and would suffer from the additional stormwater runoff should the variance be granted.

Water in our backyard and those of 217, 215, 213, 209, and 207 Rosewood, along with 1507 Midvale, all runs to the alley and a storm drain behind 207 Rosewood. Sheet flow from 213 would run into either our backyard or 1507 Midvale on its way to the storm drain. Sheet flow from our backyard runs into the alley as well as the backyard of 209 Rosewood. See Figure 1 for a map of the immediate vicinity with contour lines made using My Neighborhood.

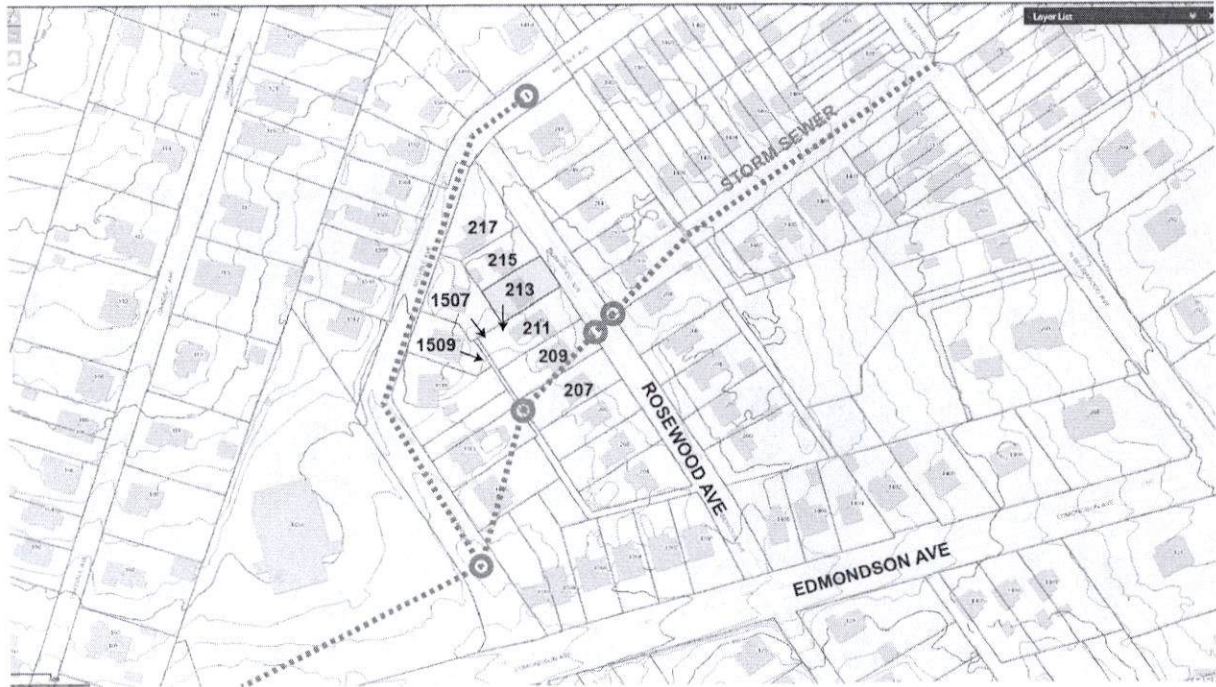
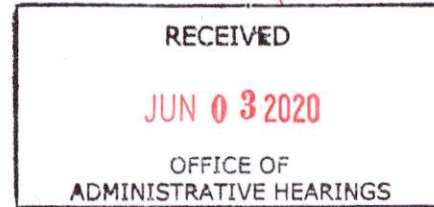


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from zoning



To: Paul/Larry
6/11/20 ucr

shed, deck, and paved patio. A rear addition to within 15'-0" of the rear property line would further reduce the pervious yard area and increase the sheet flow passing onto our property. In a 10-year storm the additional sheet flow from a 200 square foot addition would be 636 gallons. With so little pervious surface available on the property of 213 Rosewood, that water becomes the burden of its neighbors.



Figure 2 - schematic of existing backyard conditions showing little pervious area

Two underground tributaries of the Sawmill branch of the Patapsco watershed run near 213 Rosewood. One drains from a stormwater retention area in the woods north of our neighborhood, runs behind homes on Rice and Beechwood Avenues, then is piped along Midvale Avenue running west and south. The second originates in the eastern portion of the neighborhood and runs straight west, with the storm drains appearing in each street and alley at approximately the midpoint of the 200 block. On Rosewood Avenue our storm drains are near 209 Rosewood. This second piped conveyance merges with the first under Midvale Avenue and runs further west under the Sterling-Ashton-Schwab-Witzke funeral home, under Edmondson Avenue, and merges with the Sawmill branch.

In May 2018 this stormwater system failed. The storm drains backed up; yards and roads were flooded (see Figure 3). Somehow the sanitary sewer was also overloaded, and toilets in the basements of 211, 209, 207, and 205 (that we personally know of from conversations with the owners) overflowed with sewage, flooding the basements of these homes. We also observed flood repair equipment at 213 Rosewood, although we did not discuss the specific cause with the petitioners. There was tens of thousands of dollars of damage to our property alone.

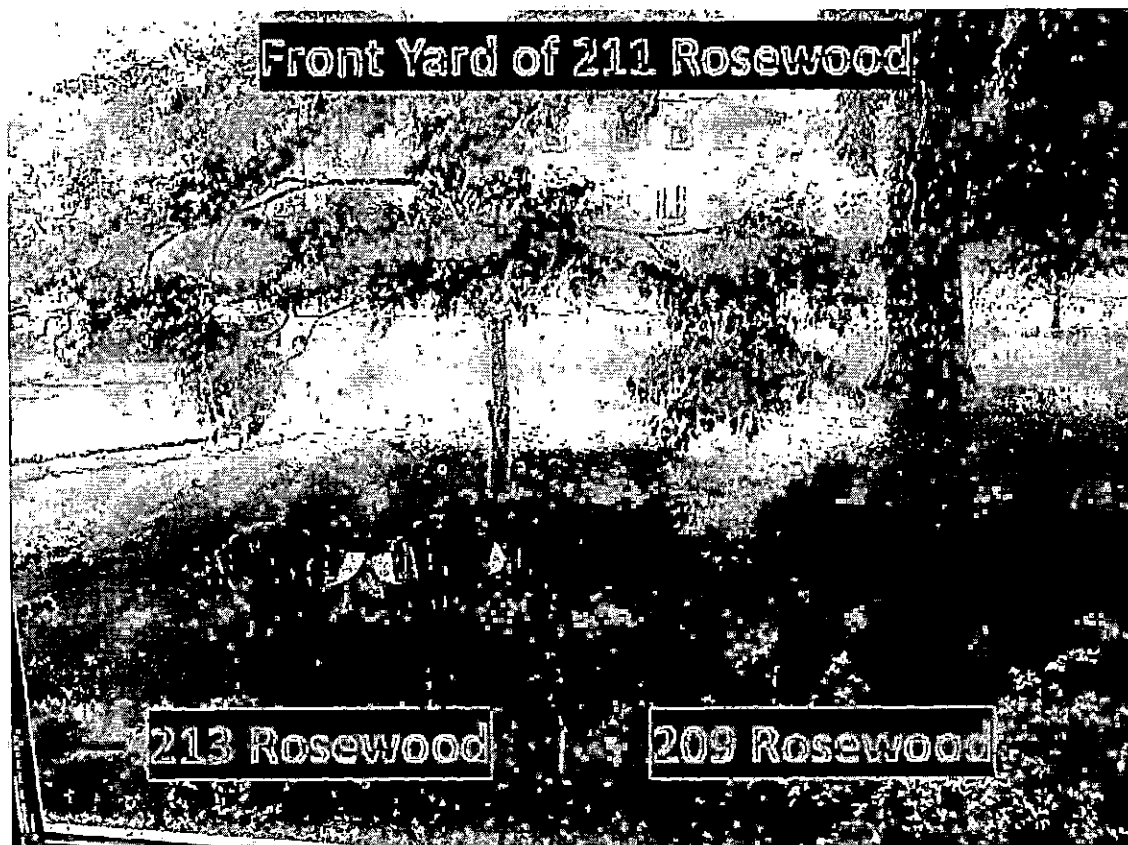


Figure 3 - Failure of stormwater system during May 2018 rain event

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Sincerely,

Laura C. Wheaton
211 Rosewood Avenue, Catonsville, MD 21228

Bradley M. Wheaton
211 Rosewood Avenue, Catonsville, MD 21228



Brad Wheaton <brad.wheaton@gmail.com>

Comments regarding zoning variance petition 2020-0108-A

Brad Wheaton <brad.wheaton@gmail.com>

Thu, May 21, 2020 at 3:43 PM

To: paizoning@baltimorecountymd.gov

Cc: Laura Wheaton <laura.c.wheaton@gmail.com>

To:

W. Carl Richards Jr., Supervisor

County Office Building

111 West Chesapeake Avenue, Room 111

Towson, Maryland 21204

Phone: 410-887-3391

Fax: 410-887-3048

Email: paizoning@baltimorecountymd.gov

Dear Carl,

Yesterday my wife and I mailed a comment regarding zoning variance petition 2020-0108-A. It is due to arrive to your office ahead of the deadline for comments. However, due to the covid-19 related uncertainties in mail transit and physical office presence, we wanted to provide you with a digital copy of the submitted comment. Please see attached.

The original version will hopefully arrive by end of this week.

Thanks,

Brad and Laura Wheaton (211 Rosewood Ave, Catonsville)



Comments regarding zoning variance petition 2020-0108-A.pdf

567K

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(213 Rosewood Avenue)		
1 st Election District	*	OFFICE OF ADMINISTRATIVE
1 st Council District		
David & Yvonne Lienhard	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2020-0108-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Michael F. and Carolina H. Cronin (“Petitioners”). The Petitioners are requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”), to permit a rear yard addition with a 15' rear setback in lieu of the required 30' setback and a side yard setback of 9' in lieu of the required 10 feet. 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. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 10, 2020, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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.

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 27th day of **May, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit a rear yard addition with a 15' rear setback in lieu of the required 30' setback and a side yard setback of 9' in lieu of the required 10 feet, be and is hereby GRANTED.

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.

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

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 01 Account Number - 0119480090		
Owner Information		
Owner Name:	LIENHARD DAVID C LIENHARD YVONNE O	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	213 ROSEWOOD AVE BALTIMORE MD 21228-4341	Deed Reference: 712308/ 00558
Location & Structure Information		
Premises Address:	213 ROSEWOOD AVE 0-0000	Legal Description: LT WS ROSEWOOD AV 213 ROSEWOOD AVE 474FT N OF EDMONDSON AV
Map:	Grid:	Parcel:
0100	0006	0818
Neighborhood:	Subdivision:	Section:
1050085.04	0000	
Block:	Lot:	Assessment Year:
		2019
Plat No:	Plat Ref:	
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1943	1,390 SF	500 SF
Property Land Area	County Use	
4,845 SF	04	
Stories	Basement	Type
2	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
BRICK/	4	1 full
Garage	Last Notice of Major Improvements	
1 Attached		
Value Information		
	Base Value	Value
		As of 01/01/2019
Land:	89,600	139,500
Improvements	170,400	165,500
Total:	260,000	305,000
Preferential Land:	0	
		Phase-in Assessments
		As of 07/01/2019
		As of 07/01/2020
		275,000
		290,000
		0
Transfer Information		
Seller: GORMLEY THOMAS M	Date: 08/04/1997	Price: \$145,000
Type: ARMS LENGTH IMPROVED	Deed1: /12308/ 00558	Deed2:
Seller: SLAVIN JOSEPH T	Date: 06/27/1985	Price: \$74,500
Type: ARMS LENGTH IMPROVED	Deed1: /06949/ 00760	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	
County:	000	07/01/2019
State:	000	0.00
Municipal:	000	0.00
		0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Approved	Date: 01/19/2010	
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application	Date:	

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

File
5/25/20
wca

ATTN: Zoning Review
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204
Phone: 410-887-3391

May 20, 2020

Dear Lawrence M. Stahl and Paul M. Mayhew,

We are writing in opposition to the proposed zoning variance for 213 Rosewood Avenue in Catonsville, listed under petition 2020-0108-A. We are the owners and occupants of the adjacent property, 211 Rosewood Avenue. Our property lies downslope from 213 Rosewood and would suffer from the additional stormwater runoff should the variance be granted.

Water in our backyard and those of 217, 215, 213, 209, and 207 Rosewood, along with 1507 Midvale, all runs to the alley and a storm drain behind 207 Rosewood. Sheet flow from 213 would run into either our backyard or 1507 Midvale on its way to the storm drain. Sheet flow from our backyard runs into the alley as well as the backyard of 209 Rosewood. See Figure 1 for a map of the immediate vicinity with contour lines made using My Neighborhood.



Figure 1 - contour map of relevant area

As currently exists, the property at 213 Rosewood has little pervious surface. The backyard contains a large shed, paver patio, areaway, and wood deck. See Figure 2 for a schematic of the existing backyard conditions, highlighting the current impervious surfaces from the existing

shed, deck, and paved patio. A rear addition to within 15'-0" of the rear property line would further reduce the pervious yard area and increase the sheet flow passing onto our property. In a 10-year storm the additional sheet flow from a 200 square foot addition would be 636 gallons. With so little pervious surface available on the property of 213 Rosewood, that water becomes the burden of its neighbors.

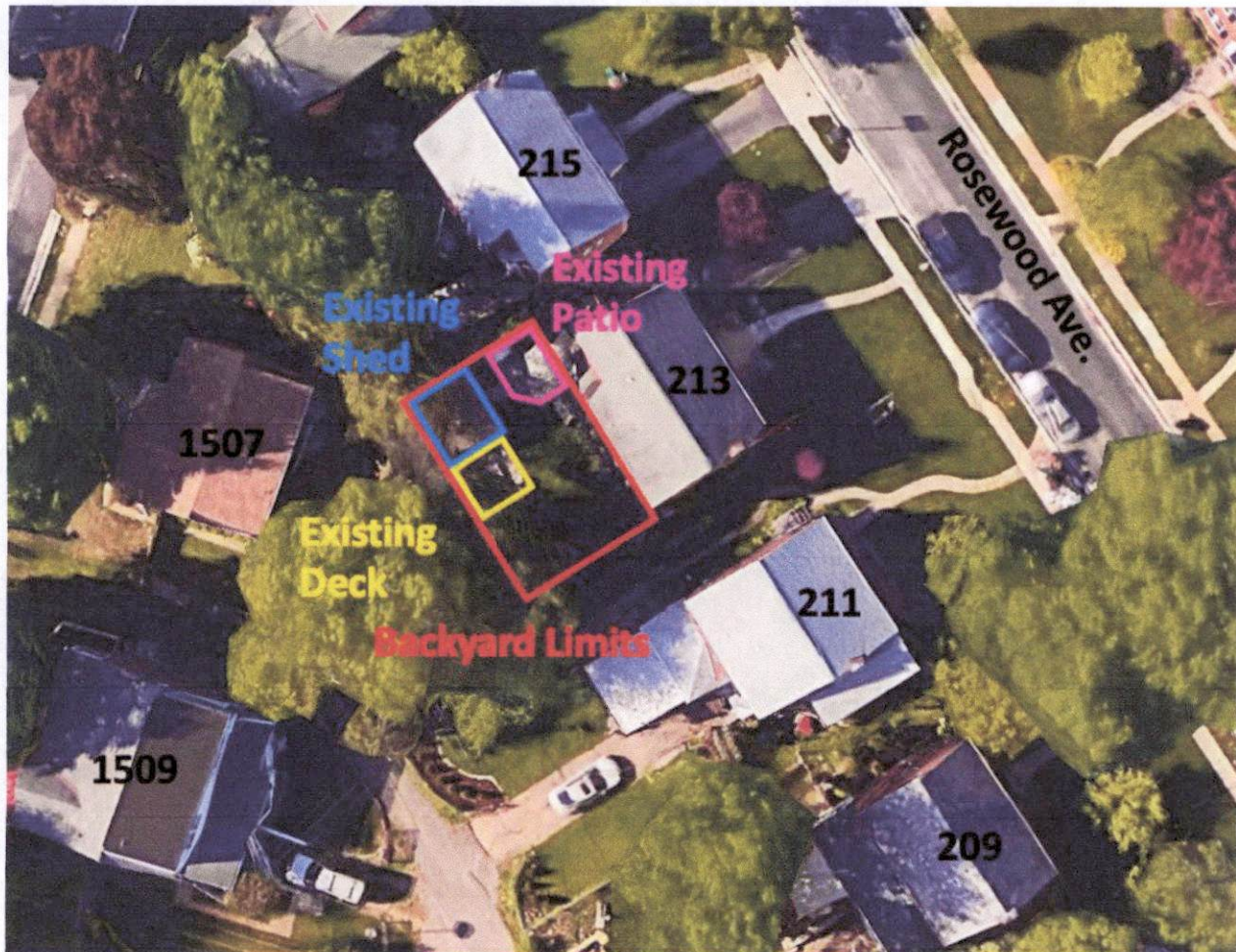


Figure 2 - schematic of existing backyard conditions showing little pervious area

Two underground tributaries of the Sawmill branch of the Patapsco watershed run near 213 Rosewood. One drains from a stormwater retention area in the woods north of our neighborhood, runs behind homes on Rice and Beechwood Avenues, then is piped along Midvale Avenue running west and south. The second originates in the eastern portion of the neighborhood and runs straight west, with the storm drains appearing in each street and alley at approximately the midpoint of the 200 block. On Rosewood Avenue our storm drains are near 209 Rosewood. This second piped conveyance merges with the first under Midvale Avenue and runs further west under the Sterling-Ashton-Schwab-Witzke funeral home, under Edmondson Avenue, and merges with the Sawmill branch.

In May 2018 this stormwater system failed. The storm drains backed up; yards and roads were flooded (see Figure 3). Somehow the sanitary sewer was also overloaded, and toilets in the basements of 211, 209, 207, and 205 (that we personally know of from conversations with the owners) overflowed with sewage, flooding the basements of these homes. We also observed flood repair equipment at 213 Rosewood, although we did not discuss the specific cause with the petitioners. There was tens of thousands of dollars of damage to our property alone.

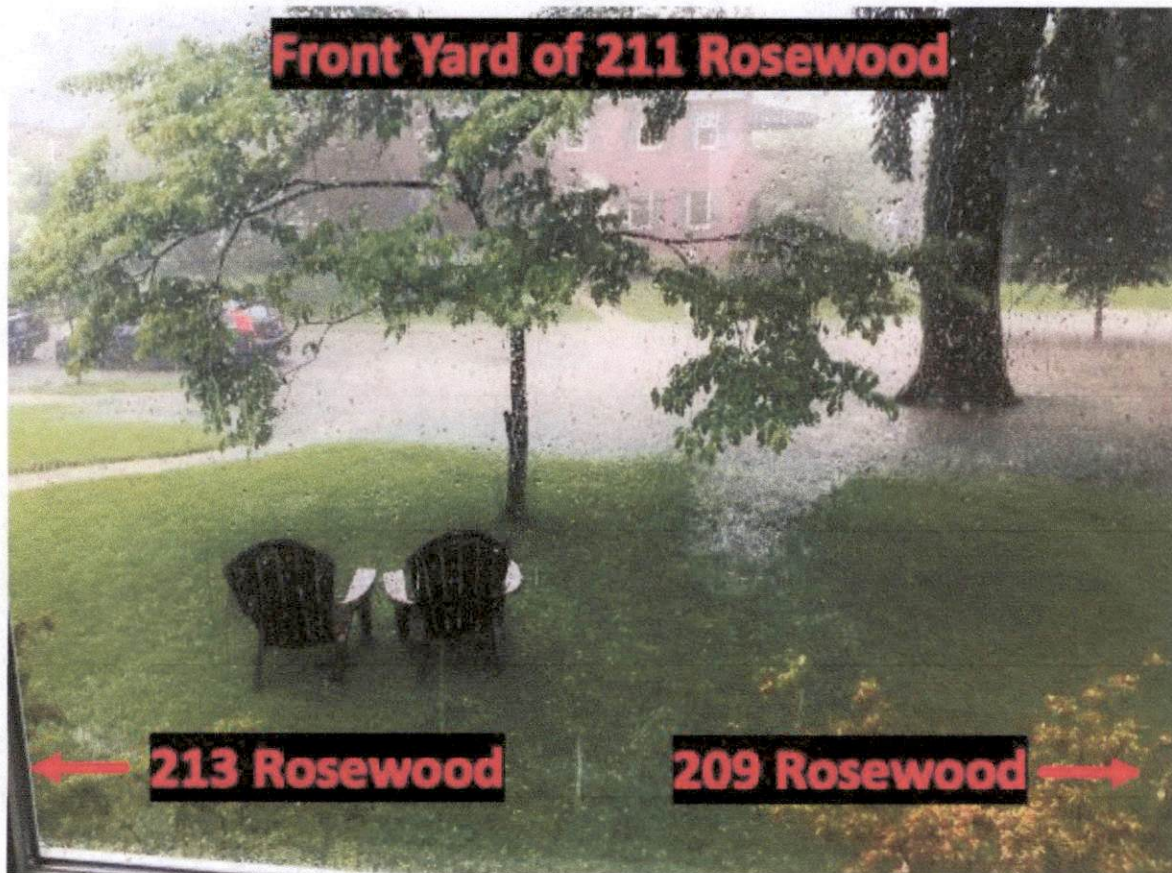


Figure 3 - Failure of stormwater system during May 2018 rain event

One might say this was an exceptional incident. After all, the rainfalls ranked for a 1000 year storm. However, Ellicott City has proved that the exceptional is becoming more regular as we experience the effects of climate change. The stormwater system in the immediate area has also shown signs of deterioration. Construction equipment parked on Midvale Avenue a few years ago collapsed part of the street above the storm sewer and required repair. A small sinkhole is marked on the funeral home lawn so the mowers know to avoid it. We are deeply concerned that in future heavy rainfalls we may experience similar or worse failures of the county systems.

A zoning variance provides relief to a property owner that faces hardship because of the application of the zoning code to their property, has a need to build beyond the constraints of

the zoning code, and in doing so would not be in opposition to the public good. We are deeply concerned that an action by Baltimore County to permit additional construction above and beyond our current zoning without having made infrastructure improvements to the stormwater system would increase the risk for stormwater-related damage to not only our property, but our neighbors as well.

We encourage you to refuse the variance petition for the protection of the adjacent properties. If you see fit to grant the petition, we request it be with the provision that the property owner either make an equal amount of currently impervious area permanently pervious, or incorporate stormwater management onsite for the anticipated load under the 10-year 24 hour rainfall.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura C. Wheaton". The script is fluid and cursive.

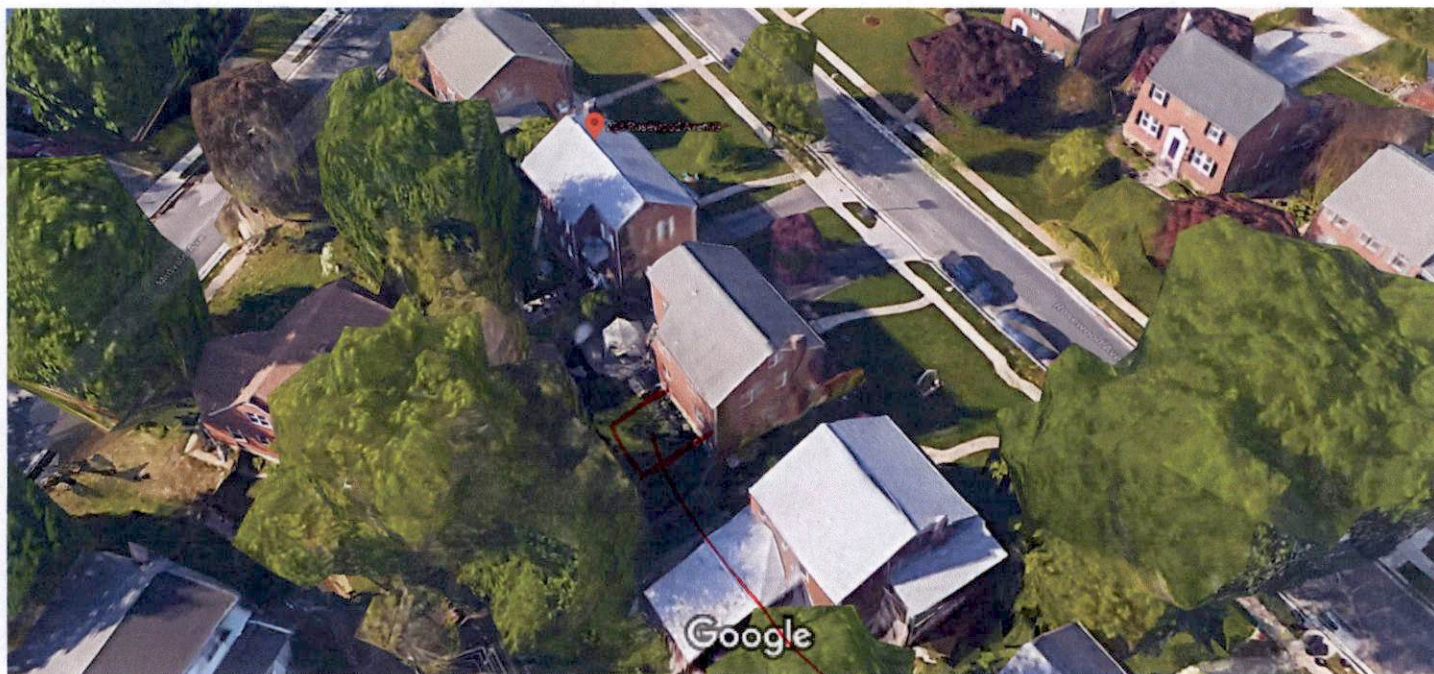
Laura C. Wheaton

211 Rosewood Avenue, Catonsville, MD 21228

A handwritten signature in black ink, appearing to read "Bradley M. Wheaton". The script is fluid and cursive.

Bradley M. Wheaton

211 Rosewood Avenue, Catonsville, MD 21228



Imagery ©2020 Google, Map data ©2020 10 ft

ADDITION



213 Rosewood Ave

Catonsville, MD 21228



Directions



Save



Nearby



Send to your
phone



Share

Photos

2020-0108-A



213

215

2020-0108-A

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(213 Rosewood Avenue)		
1 st Election District	*	OFFICE OF ADMINISTRATIVE
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David & Yvonne Lienhard	*	HEARINGS FOR
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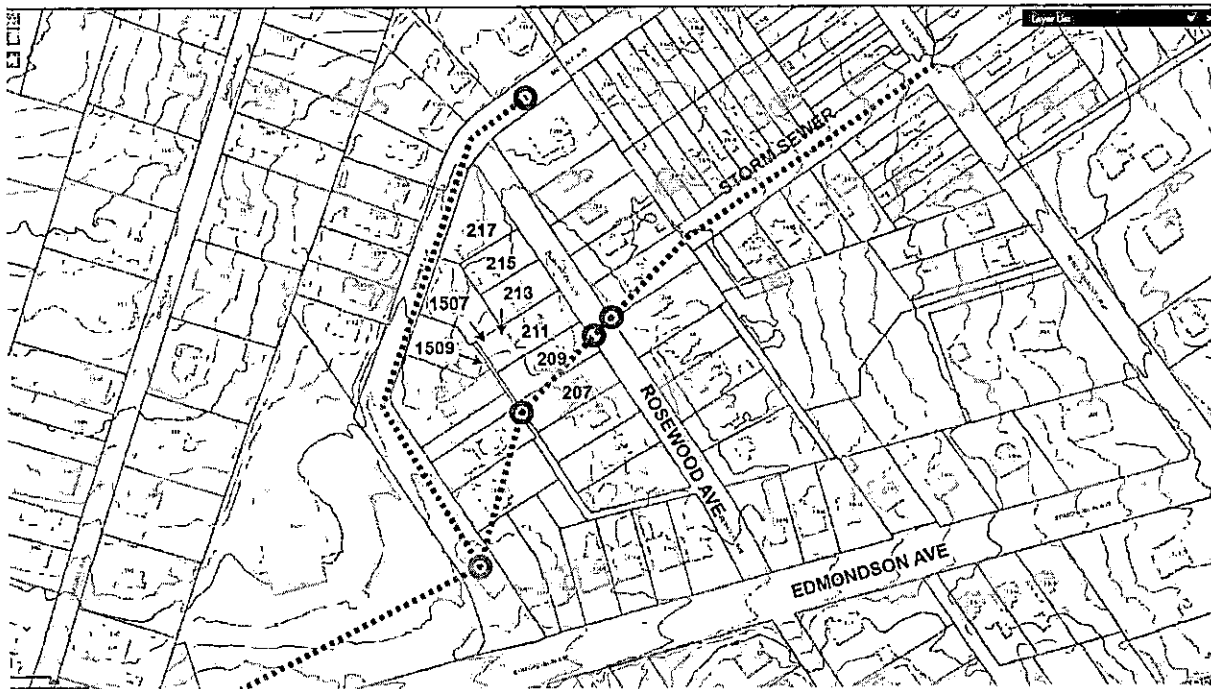
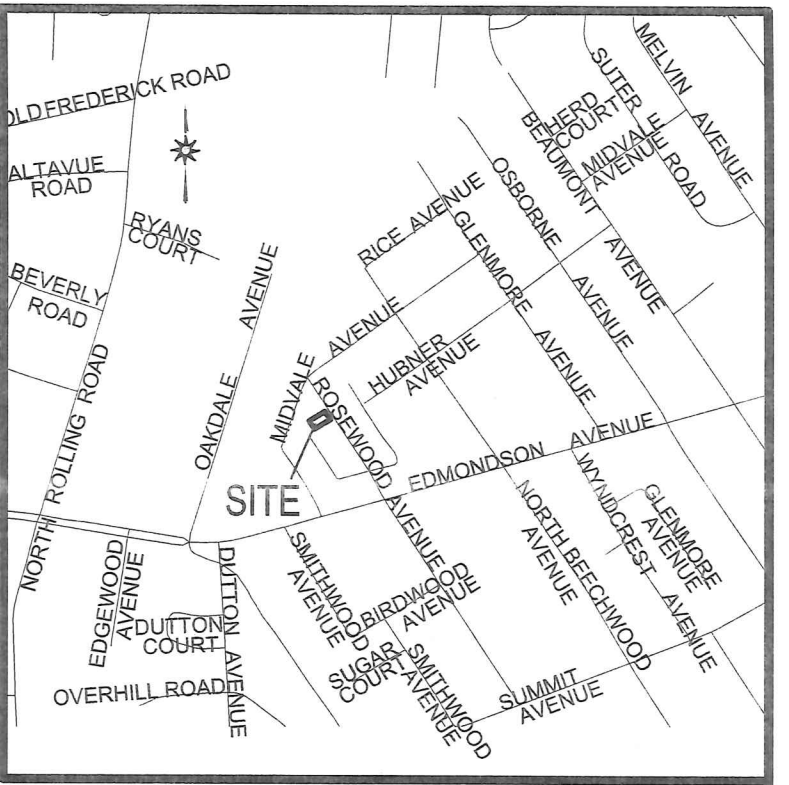
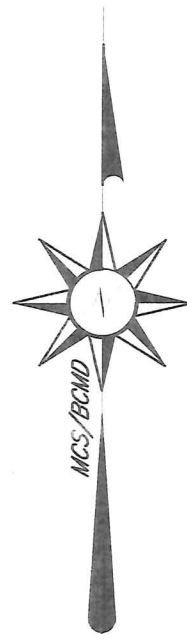


Figure 1 - contour map of relevant area

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LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: DAVID C LIENHARD
YVONNE O LIENHARD
213 ROSEWOOD AVE
BALTIMORE MD 21228-4341
- SITE AREA:
NET: 4,890 SF OR 0.11 AC.±
GROSS: 5,920 SF OR 0.14 AC.±
- USE:
EXISTING: 1 RESIDENTIAL DWELLING
PROPOSED: 1 RESIDENTIAL DWELLING
- UTILITIES: PUBLIC WATER AND SEWER
- DEED REF: 12308/58
- TAX ACCOUNT: 0119480090
- ZONING: DR 5.5
(PER 1"=200' ZONING MAP 101B1)
- TAX MAP:
GRID: 100
PARCEL: 818
- LOCATED IN ZONE AE (EL 6 FEET) PER FLOOD INSURANCE RATE MAP (FIRM) PANEL 2400100370F DATED SEPTEMBER 26, 2008.
- PREVIOUS ZONING CASES: NONE ON FILE.
- PREVIOUS PERMITS: NONE ON FILE.
- SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- SETBACKS FOR DR 5.5

	REQUIRED	PROVIDED
FRONT	41'	39'±
SIDE	10'	7'±
REAR	30'	15'±

2020-0108-A

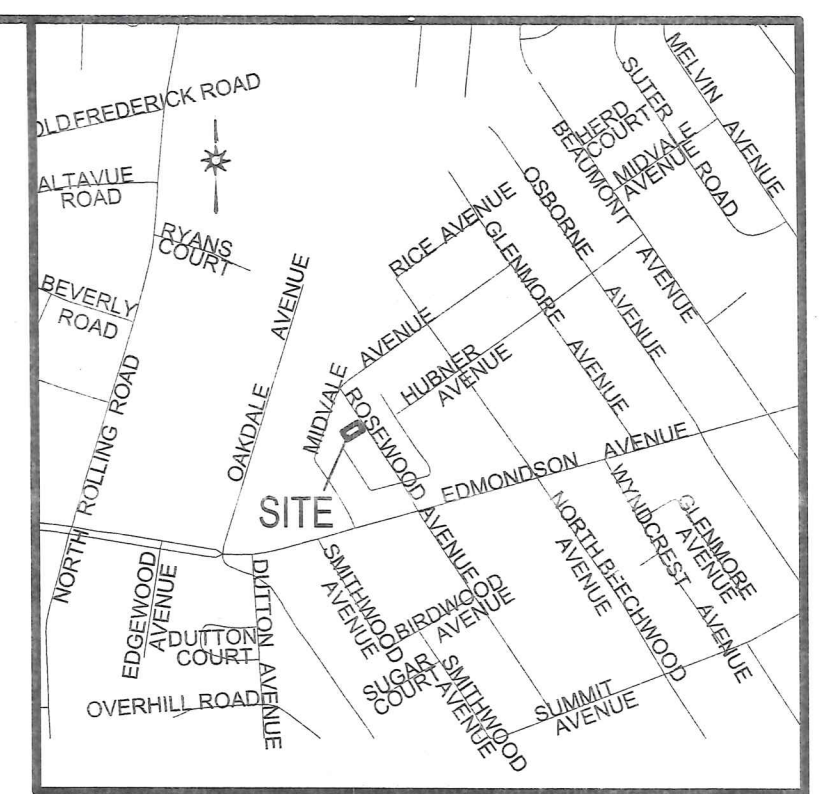
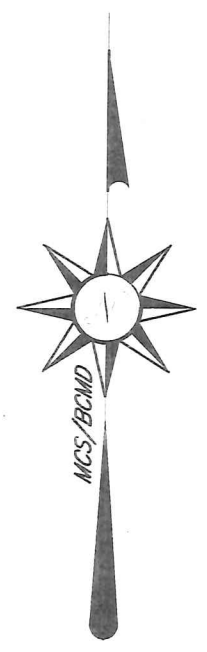
Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR
LIENHART RESIDENCE

213 ROSEWOOD AVENUE
BALTIMORE COUNTY MARYLAND
1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT

REVISIONS		DRAWN BY:	CHECKED BY:	SCALE:
		LNR	PCR	1" = 20'
		DATE:	JOB NO.:	SHEET NO.:
		04-21-20	20040	1 OF 1



LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: DAVID C LIENHART
YVONNE D LIENHART
213 ROSEWOOD AVE
BALTIMORE MD 21228-4341
- SITE AREA:
NET: 4,890 SF OR 0.11 AC.±
GROSS: 5,920 SF OR 0.14 AC.±
- USE:
EXISTING: 1 RESIDENTIAL DWELLING
PROPOSED: 1 RESIDENTIAL DWELLING
- UTILITIES: PUBLIC WATER AND SEWER
- DEED REF: 12308/56
- TAX ACCOUNT: 0119480090
- ZONING: DR 5.5
(PER 1"=200' ZONING MAP 101B1)
- TAX MAP:
GRID: 6
PARCEL: 818
- LOCATED IN ZONE AE (EL 6 FEET) PER FLOOD INSURANCE RATE MAP (FIRM) PANEL 2400100370F DATED SEPTEMBER 28, 2008.
- PREVIOUS ZONING CASES: NONE ON FILE.
- PREVIOUS PERMITS: NONE ON FILE.
- SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- SETBACKS FOR DR 5.5
REQUIRED PROVIDED
FRONT 41' 39'±
SIDE 10' 7'±
REAR 30' 15'±

2020-0108-A

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION

FOR
LIENHART RESIDENCE

213 ROSEWOOD AVENUE
BALTIMORE COUNTY MARYLAND
1ST ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	LNK	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	04-21-20	20040	1 OF 1

PET EX #1