



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

October 11, 2023

David and Kendra Reines – davidsreines@gmail.com
505 Newburg Avenue
Baltimore, MD 21228

RE: Petition for Administrative Variance
Case No. 2023-0182-A
Property: 505 Newburg Avenue

Dear Mr. and Mrs. Reines:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order 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,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive style.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlw
Enclosure

c: Michelle Clancy – michelle@appliedandapproved.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(505 Newburg Avenue)		
1 st Election District	*	OFFICE OF ADMINISTRATIVE
1 st Council District		
David & Kendra Reines	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2023-0182-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, David and Kendra Reines (“Petitioners”) for the property located at 505 Newburg Avenue, Catonsville (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §§1A03.B.3 and 400.1 to approve a proposed accessory building (garage) in the left side yard in lieu of the required rear yard, and to approve an existing shed with a 0 ft. side and rear setback in lieu of the required 2.5 ft. setback, respectively. ¹ The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioners’ Exhibit 1. Street view photographs of the Property were provided. (Pet. Ex. 2A-2D).

A Zoning Advisory Committee (“ZAC”) comment was contained in the case file from the Bureau of Development Plans Review (“DPR”) dated September 18, 2023, indicating the following:

“DPW&T Comments:

A) There is an existing reservation on the property, as shown on the plan submitted with the application. The proposed accessory structure is now shown within the reservation area. There is an existing patio and shed shown in the reservation that should be removed.”

¹ The requested relief from BCZR, §1A03.B.3 appears to be in error as the Property is zoned DR2, not RC4.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on September 16, 2023 and September 29, 2023 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 affidavit as required by §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 from BCZR, §400.1 for the proposed detached garage to be located in the side yard in lieu of the rear yard, and in lieu of the requirement that on corner lot the detached garage shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50 percent of such third, would adversely affect the health, safety or general welfare of the public. Based on the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of §307.1 of the BCZR in regard to the detached garage. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners in not being able to construct a garage on the Property due to the position of the house on the Property. I find that there is no evidence in the file to indicate that the requested Variance for the detached garage would adversely affect the health, safety or general welfare of the public, particularly in light of the lack of opposition, and should therefore be granted.

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

However, as provided in the DPR/DPWT ZAC comment, there is a 5 ft. reservation area as shown on Petitioners' Site Plan. As a result, no structures or improvements can be located

within the reservation area. Accordingly, both the existing shed in the rear yard, and the part of the patio which extends into the 5 ft. reservation area, must both be removed as a condition of this Order. The shed must also be located at least 2.5 ft. off the side property line. As a result, the Variance relief for the shed will be denied.

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 for the detached garage will be granted but the requested Variance relief for the shed will be denied.

THEREFORE, IT IS ORDERED, this 11th day of **October, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR"), §400.1 to approve a proposed accessory building (garage) in the left side yard in lieu of the required rear yard, and in lieu of the requirement that on corner lot the detached garage shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50 percent of such third, be and they are each hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance to approve an existing shed with a 0 ft. side and rear setback in lieu of the required 2.5 ft. setback, be and it is hereby, **DENIED**.

The relief granted herein shall be subject to the following:

1. 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.
2. Petitioners and subsequent owners shall not convert the detached garage into a dwelling unit or apartment. The detached garage shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities.
3. The detached garage shall not have a separate utility or electric connection and shall connect all electrical to the home.

4. The detached garage shall not be used for commercial or industrial purposes.

5. Prior to obtaining a building permit for the detached garage, Petitioners must comply with the DPR/DPWT ZAC comment dated September 18, 2023; a copy of which is attached hereto and made a part hereof. Both the shed and part of the rear yard patio which extends into the reservation area must be removed to the satisfaction of DPR/DPWT.

6. The Site Plan (Pet. Ex. 1) shall be incorporated into, and made a part of, this Order.

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

A handwritten signature in cursive script that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlw



ADMINISTRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 505 Newburg Avenue, Baltimore MD 21228 Currently Zoned DR2
Deed Reference 26819 / 00003 10 Digit Tax Account # 0 1 2 5 4 5 0 0 3 0
Owner(s) Printed Name(s) Kendra and David Reines

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

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

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

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

BCZR 1A03.B.3 and 400.1 To approve a proposed accessory building (garage) in the left side yard in lieu of the required rear yard and to approve an existing shed with a 0 ft side and rear setback in lieu of the required 2 ½ ft setback, respectively

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

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

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

Owner(s)/Petitioner(s):

Kendra Reines / David Reines
Name #1 – Type or Print Name #2 – Type or Print
Kendra Reines / David Reines
Signature #1 Signature #2
505 Newburg Avenue Baltimore Maryland
Mailing Address City State
21228 / (443) 677-0835 (443) 271-2080 / davidsreines@gmail.com
Zip Code Telephone #'s (Cell and Home) Email Address

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

Name - Type or Print

Signature

Mailing Address City State
 / /
Zip Code Telephone # Email Address

Representative to be Contacted:

Michelle Clancy
Name - Type or Print
Michelle Clancy
Signature
PO Box 310 Lisbon Maryland
Mailing Address City State
21765 / 443-610-7514 / MICHELLE@APPLIEDANDAPPROVED.COM
Zip Code Telephone # Email Address

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

Administrative Law Judge for Baltimore County

Case Number 2023-0182-A Filing Date 9 / 7 / 2023 Estimated Posting Date 9 / 17 / 2023 Reviewer CF

Affidavit in Support of Administrative Variance
(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

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

Address: 505 Newburg Avenue Baltimore Maryland 21228
Print or Type Address of Property City State Zip Code

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

We are requesting a variance in order to construct a 12' x 22' detached pre-fab garage structure at the rear of our existing driveway. Our house is situated on Lot 72 in Newburg Heights which is a corner lot and sits at the intersection of Newburg Avenue and Biddle Place. The house is angled with the front facing the intersection. The existing driveway is 10' wide and 23' deep, with direct access onto Newburg Ave which would not need to be altered as we can widen it just before the garage. The driveway is currently 3' from the side property line. We propose to cover approximately 4' of said driveway and remain 3' from the side property line with the garage. Section 400.1 directs that accessory structures must remain 2.5' from side and rear lot lines which we meet. However, we need to variance the requirement that accessory structures must remain in the rear yard, and specifically the one third farthest from the intersection since we are a corner lot. As you can see from the site plan, there is no room in the rear third for a garage due to the position of the house, which is our practical difficult. We would not be able to meet the 50% coverage requirement and would need a variance regardless, even if we had room to access the area, which we do not. We chose to push the garage as far back from the road as we could before hitting the existing fenceline which is shared with our neighbor. There is no other location to put the garage that wouldn't need a variance and we minimized the variance request as much as possible. With a max height of 10' and being outside the corner lot triangle, we believe we meet other requirements. Denial would prevent any garage and create a hardship since we have two children who will soon have cars of their own. Street parking is difficult at times and this garage provides one additional spot. Thank you in advance.

K.R.
Signature of Owner (Affiant)

Kendra Reines
Name - Print or Type

[Signature]
Signature of Owner (Affiant)

David Reines
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 29th day of August, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

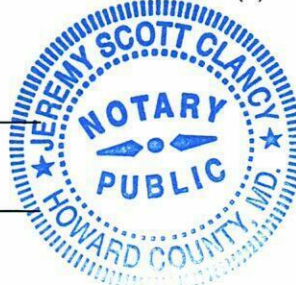
Print name(s) here: Kendra Reines - David Reines

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

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

12/27/24
My Commission Expires



ZONING PROPERTY DESCRIPTION FOR:

505 NEWBURG AVENUE, BALTIMORE MARYLAND 21228

Beginning at a point on the east side of Newburg Avenue which is 30 feet wide at the distance of 15 feet north of the centerline of the nearest improved intersecting street, Biddle Place, which is also 30 feet wide. This lot is at the intersection of the two streets making it a corner lot and the 15-foot distance provided is half of the width of Biddle Place since the measurement is to the centerline. Also provided on the hearing plan are the distances to the nearest improved roads away from the intersection. Along the Newburg Avenue side, that distance is 190 feet north to the centerline of McCurley Avenue which is 30 feet wide. Along Biddle Place, that distance is 525 feet east to the centerline of Brandford Road which is 30 feet wide.

Being Lot # 72, Block 3, in the subdivision of Newburg Heights as recorded in Baltimore County Plat Book # 0019, Folio # 0085, containing 7,055 square feet. Located in the 1st Election District and 1st Councilmanic District.

2023-0182-A

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023-0182 -A Address 505 Newburg Ave

Contact Person: Christine Frank Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9-7-2023 Posting Date: 9-17-2023 Closing Date: 10-2-2023

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.

Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2023 - 0182 -A Address 505 Newburg Ave

Petitioner's Name: Kendra David Zemes Telephone (Cell) 443-677-0835

Posting Date: 9-17-2023 Closing Date: 10-2-2023

Wording for Sign: To Permit a proposed accessory building (garage) in the left side yard in lieu of the
required rear yard and to approve an existing shed with a 0 ft side and rear setback in lieu of the required
2 ½ ft setback, respectively

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

No. 221259

Date: 9-7-2023

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		0150					75.00

Total: 75.00

Rec From: 505 newburg Ave

For: 2023-0182-A

DISTRIBUTION

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

CASHIER'S
VALIDATION

CF 23-0802

Applied & Approved Permits LLC
PO BOX 310
Lisbon MD 21765
443-610-7514

8739

DATE 8/30/23 65-330/550

PAY TO THE ORDER OF Baltimore County \$ 75.00

Seventy Five Dollars 00/100 DOLLARS

FOR Reims Varrance

TRUIST 

BB&T is now Truist



⑈00008739⑈ ⑆055003308⑆0005155018684⑈

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

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

SUBJECT: Zoning Advisory Committee Meeting
For September 18, 2023
Item No. 2023-0182-SPH

DATE: September 18, 2023

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPW&T Comments:

- A) There is an existing reservation on the property, as shown on the plan submitted with the application. The proposed accessory structure is not shown within the reservation area. There is an existing patio and shed shown in the reservation that should be removed.

VKD: JK
cc: file

CERTIFICATE OF POSTING

CASE NO. 2023-0182-A

PETITIONER/DEVELOPER

Kendra & David Reines

DATE OF HEARING/CLOSING

October 2, 2023

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

505 Newburg Avenue

Sign 1



THE SIGN(S) POSTED ON September 16, 2023

(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

Handwritten signature of Martin Ogle in black ink.

CERTIFICATE OF POSTING

CASE NO. 2023-0182-A

PETITIONER/DEVELOPER

Kendra & David Reines

DATE OF HEARING/CLOSING

October 2, 2023

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

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THE PROPERTY LOCATED AT

505 Newburg Avenue

Sign 2



THE SIGN(S) POSTED ON September 16, 2023

(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

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: September 18, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0182-A
Address: 505 NEWBURG AVE
Legal Owner: David and Kendra Reines

Zoning Advisory Committee Meeting of September 18, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)
[View GroundRent Redemption](#)
[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 01 Account Number - 0125450030

Owner Information

Owner Name: REINES DAVID S
REINES KENDRA D
Mailing Address: 505 NEWBURG AVE
BALTIMORE MD 21228-5837

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: /26819/ 00003

Location & Structure Information

Premises Address: 505 NEWBURG AVE
BALTIMORE 21228-5837

Legal Description: 505 NEWBURG AVE
NEWBURG HEIGHTS

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0101 0019 1196 1070132.04 0000 3 72 2022 Plat Ref: 0019/ 0085

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1954 1,592 SF 7,055 SF 04

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
1 YES STANDARD UNITS SIDING/4 2 full

Value Information

	Base Value	Value As of 01/01/2022	Phase-in Assessments As of 07/01/2023 As of 07/01/2024	
Land:	118,000	118,000		
Improvements	189,900	205,500		
Total:	307,900	323,500	318,300	323,500
Preferential Land:	0	0		

Transfer Information

Seller:	Date:	Price:
REINES DAVID S	03/27/2008	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /26819/ 00003	Deed2:
BUTLER RANDY D	08/16/2004	\$250,000
Type: ARMS LENGTH IMPROVED	Deed1: /20545/ 00101	Deed2:
YORK PAUL J	11/06/2002	\$160,000
Type: NON-ARMS LENGTH OTHER	Deed1: /17050/ 00566	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 08/28/2012

Homeowners' Tax Credit Application Information

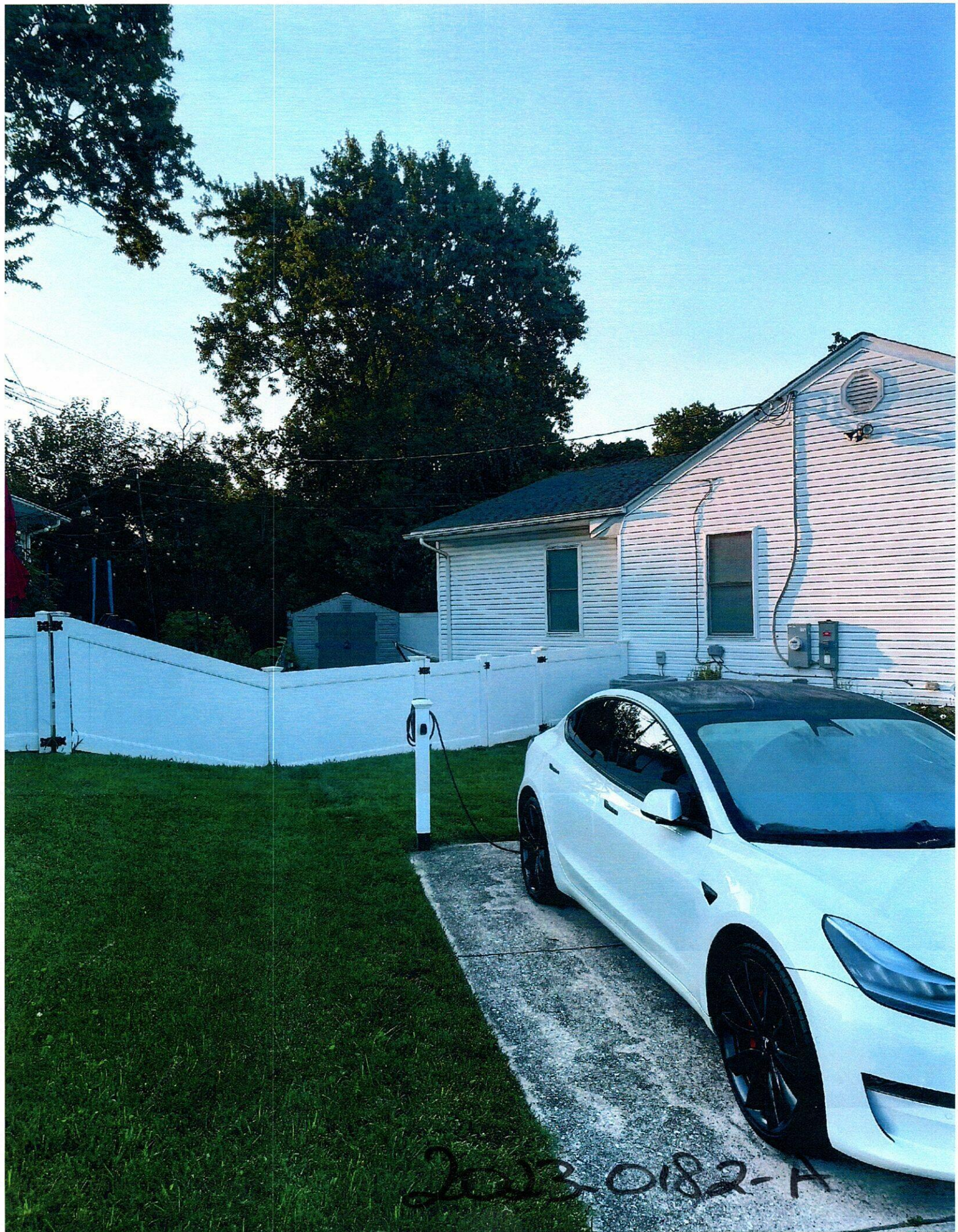
Homeowners' Tax Credit Application Status: No Application Date:

2023-0182-A





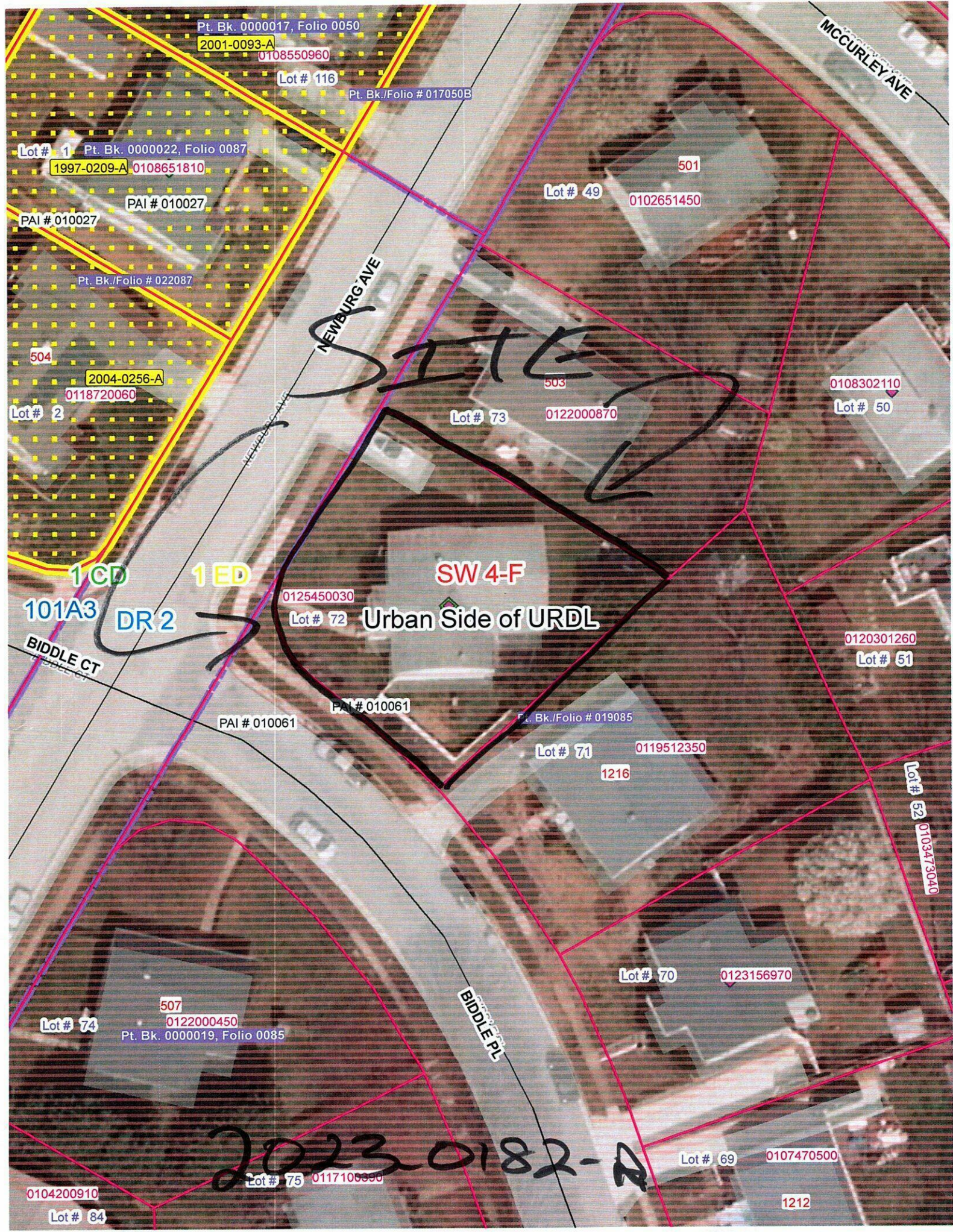
2023082-A



2023-0182-A



2023-0182-A



Pt. Bk. 0000017, Folio 0050

2001-0093-A

0108550960

Lot # 116

Pt. Bk./Folio # 017050B

Lot # 1 Pt. Bk. 0000022, Folio 0087

1997-0209-A 0108651810

PAI # 010027

PAI # 010027

Pt. Bk./Folio # 022087

504

2004-0256-A

0118720060

Lot # 2

Lot # 49

0102651450

Lot # 73

503

0122000870

0108302110

Lot # 50

0120301260

Lot # 51

Lot # 52 0103473040

Pt. Bk./Folio # 019085

Lot # 71

0119512350

1216

Lot # 70

0123156970

507

0122000450

Pt. Bk. 0000019, Folio 0085

Lot # 74

BIDDLE PL

2023 0182-A

0104200910

Lot # 84

Lot # 75 0117100000

Lot # 69

0107470500

1212

Site Vicinity Map

Fred. Rd (144)

Wilkens Ave

695

1-93

Rolling Rd

Nausburg Ave

Saddle Place

Wassa Blvd (Rte 1)

MAP IS NOT TO SCALE

Nia



2023-0182-A