

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Montego Avenue, 332 ft. N
centerline of Placid Avenue
9th Election District
3rd Councilmanic District
(9309 Montego Avenue)

Kathryn W. & Frederick J. Landefeld
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-170-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Kathryn W. and Frederick J. Landefeld. The variance request is for property located at 9309 Montego Avenue in the northeastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 24 ft. in lieu of the required 30 ft. for a sunroom. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, 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 26-127 (b)(1) of the Baltimore County Code. 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 Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

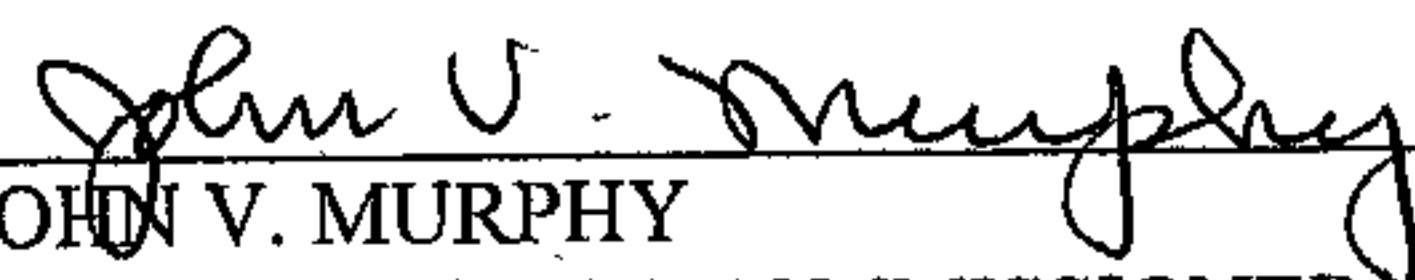
11/5/03
R. J. Landefeld

compliance with the B.C.Z.R. 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 Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 5 day of ~~October~~ ^{November}, 2003, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 24 ft. in lieu of the required 30 ft. for a sunroom, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER
2003 11/5/03
R. J. J. J.

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

November 5, 2003
~~October 30, 2003~~

Mr. & Mrs. Frederick J. Landefeld
9309 Montego Avenue
Baltimore, Maryland 21234

Re: Petition for Administrative Variance
Case No. 04-170-A
Property: 99309 Montego Avenue

Dear Mr. & Mrs. Landefeld:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Ned Heller
1611 Feldbrook Road
Towson, MD 21286

Visit the County's Website at www.baltimorecountyonline.info





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 9309 Montego Ave.
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. 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 Variance from Section(s)

1B 02.3 C.1; BC2R, To
permit a rear yard setback of 24 ft. in lieu of
The required 30ft. for a sunroom

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, 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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No.

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner 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.

Zoning Commissioner of Baltimore County

Reviewed By

Date

Estimated Posting Date

CASE NO.

REV 10/25/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that 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 Affiant(s) does/do presently reside at

9309 MONTEGO AVE
Address
BALTIMORE, MARYLAND 21234
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (Indicate hardship or practical difficulty):

WE HAVE AN EXISTING DECK WHICH WAS CONSTRUCTED 15 YEARS AGO. WE WOULD NOW LIKE TO ENCLOSE THE AREA TO GIVE US ADDITIONAL LIVING AREA ON THE MAIN LEVEL. WE ARE BOTH RETIRED AND HAVE (4) CHILDREN AND (7) GRANDCHILDREN AND WE NEED THE ADDITIONAL SPACE WHEN THE FAMILY GETS TOGETHER. WE HAVE LIVED HERE FOR 32 YEARS AND WE CAN NOT AFFORD TO MOVE INTO A LARGER HOME.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Frederick J. Landefeld
Signature

FREDERICK J. LANDEFELD
Name - Type or Print

Kathryn Landefeld
Signature

Kathryn Landefeld
9309 Montego Ave
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3 day of October, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Frederick Landefeld & Kathryn Landefeld
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s)

AS WITNESS my hand and Notarial Seal

Samantha E. Sagner
Notary Public

My Commission Expires

SAMANTHA E. SAGNER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 6, 2007

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that 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 Affiant(s) does/do presently reside at

Address 9309 MONTEGO AVE
City BALTIMORE, MARYLAND State MD Zip Code 21234

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

WE HAVE AN EXISTING DECK WHICH WAS CONSTRUCTED 15 YEARS AGO. WE WOULD NOW LIKE TO ENCLOSE THE AREA TO GIVE US ADDITIONAL LIVING AREA ON THE MAIN LEVEL. WE ARE BOTH RETIRED AND HAVE (4) CHILDREN AND (7) GRANDCHILDREN AND WE NEED THE ADDITIONAL SPACE WHEN THE FAMILY GETS TOGETHER. WE HAVE LIVED HERE FOR 32 YEARS AND WE CAN NOT AFFORD TO MOVE INTO A LARGER HOME

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Frederick J. Landefeld
Signature

FREDERICK J. LANDEFELD
Name - Type or Print

Kathryn Landefeld
Signature

Kathryn Landefeld
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9 day of October, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Frederick J. Landefeld & Kathryn Landefeld
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Samantha E. Sagner
Notary Public

SAMANTHA E. SAGNER
My Commission Expires NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 6, 2007



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 9309 Montego Ave.
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. 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 Variance from Section(s)

1 B O Z . 3 . C . 1 ; B C Z R , To
permit a rear yard setback of 24 ft. in lieu
of the required 30 ft. for a sun room

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, 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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Frederick J. Landefeld
Name - Type or Print

Signature

Nathryn W. Landefeld
Name - Type or Print

Signature

9309 Montego Ave 410-665-7747
Address Telephone No.

Baltimore Md 21234
City State Zip Code

Representative to be Contacted:

Ned Heller
Name

1611 Feldbrook Rd. 410-337-1775
Address Telephone No.

Bowen Md. 21286
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner 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.

Zoning Commissioner of Baltimore County

CASE NO. 04-170A

REV 10/25/01

Reviewed By JCM Date 10.3.03
Estimated Posting Date 10.12.03

ZONING DESCRIPTION FOR 9309 MONTEGO AVE
BALTIMORE, MARYLAND 21234

BEGINNING AT A POINT ON THE EAST SIDE OF MONTEGO AVE WHICH IS A 50' RIGHT OF WAY WIDTH WITH A 30' PAVING WIDTH AT THE DISTANCE OF 331 FEET NORTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET PLACIO AVE. WHICH 40 FEET PAVING WIDTH WIDE BEING LOT #5 BLOCK G IN THE SUBDIVISION OF MIS-JAN ESTATES AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 31, FOLIO # 119 CONTAINING 6,641 SQ FT. ALSO KNOWN AS 9309 MONTEGO AVE. AND LOCATED IN THE 9TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25075

DATE 10-3-03 ACCOUNT 001-006-6152

AMOUNT \$ 65.00

RECEIVED FROM F. LAUGHELD 9309 Montego Ave
FOR AD CAR

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTION TIME 10:00 AM
09/15/2003 10:00 AM 10:22:11
BY JON WILSON JON WILSON
RECEIPT # 25075 10/03/2003 10:00 AM
FOR 65.00 JON WILSON
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 10/13/03

RE: Case Number: 04-170-A

Petitioner/Developer: FREDERICK LANDEFELD

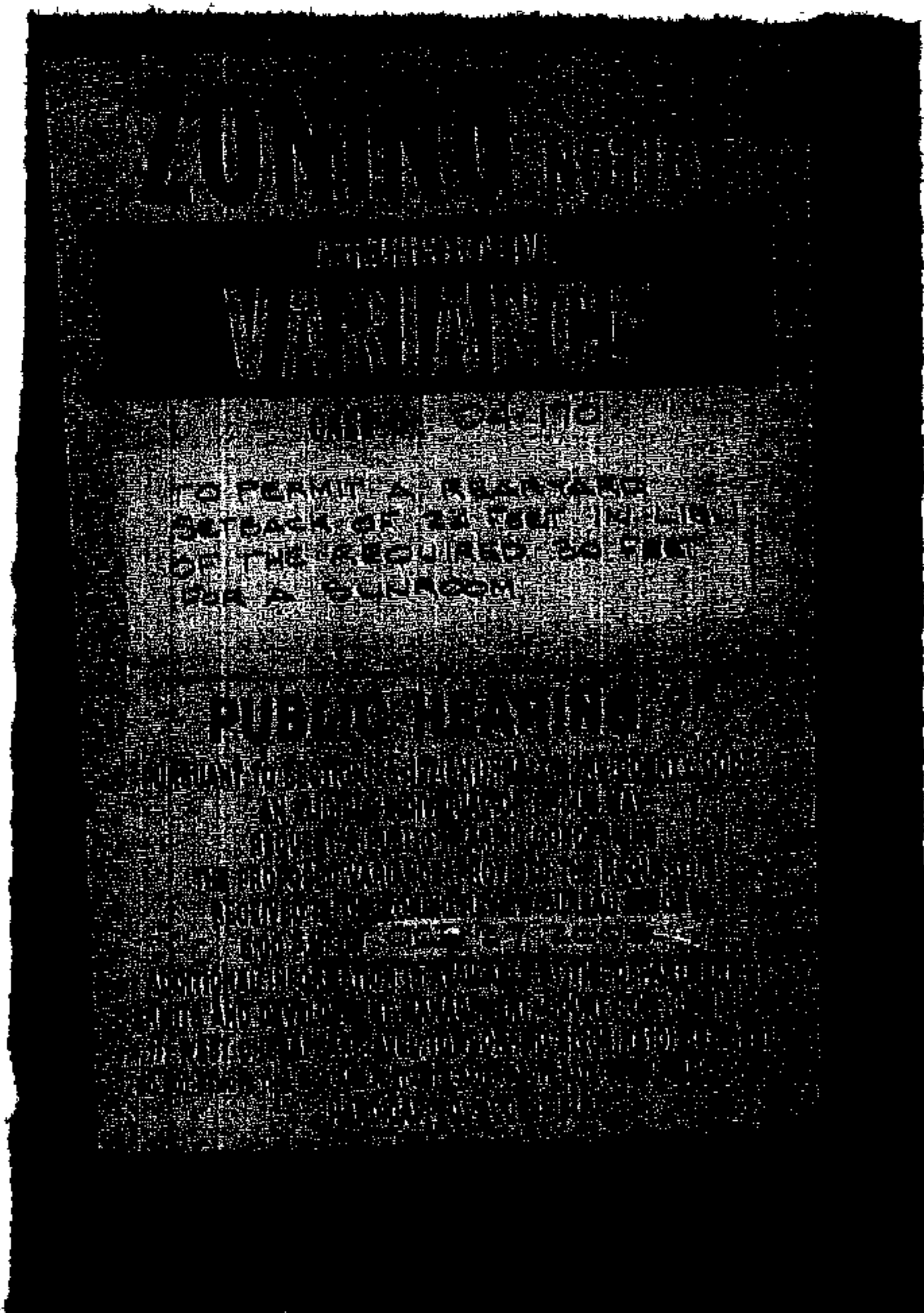
Date of Hearing/Closing: 10/27/03

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 9309 MONTEGO AVE

The sign(s) were posted on 10/10/03
(Month, Day, Year)

Charles E. Merritt
(Signature of Sign Poster)

Charles E. Merritt
9831 Magledt Road
Baltimore, MD 21234
410-665-5562



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁴~~03~~ 170 -A Address 9309 MONTEGO AVE.
Contact Person: J. Mawer Phone Number: 410-887-3391
Planner: Please Print Your Name
Filing Date: 10-3-03 Posting Date: 10-12-03 Closing Date: 10-27-03

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 (on the reverse side of this form) 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 an 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 zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The 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 zoning or deputy zoning commissioner), 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.

Designation: District

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ⁰⁴~~03~~ 170 -A Address 9309 MONTEGO AVE.
Petitioner's Name FREDERICK LANDEFELD Telephone 410-665-7747
Posting Date: 10-12-03 Closing Date: 10-27-03
A VARIANCE
Wording for Sign: To Permit A REAR YARD SETBACK OF 24ft.
IN LIEU OF THE REQUIRED 30ft. for A
SUNROOM.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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:

Item Number or Case Number 170

Petitioner FREDERICK LANDEFELD

Address or Location 9309 MONTEGO AVE - BALTO. MD. 21286

PLEASE FORWARD ADVERTISING BILL TO:

Name SAME

Address SAME

Telephone Number 410-~~209~~ 665-7747

**Department of Permits and
Development Management**

Development Processing,
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

October 27, 2003

Frederick Landefeld
Kathryn Landefeld
9309 Montego Avenue
Baltimore, MD 21234

Dear Mr. and Mrs. Landefeld:

RE: Case Number: 04-170-A, 9309 Montego Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 3, 2003.

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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Ned Heller, 1611 Feldbrook Road, Towson 21286





**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

October 22, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 20, 2003

Item No.: 170-175, 177-181

Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

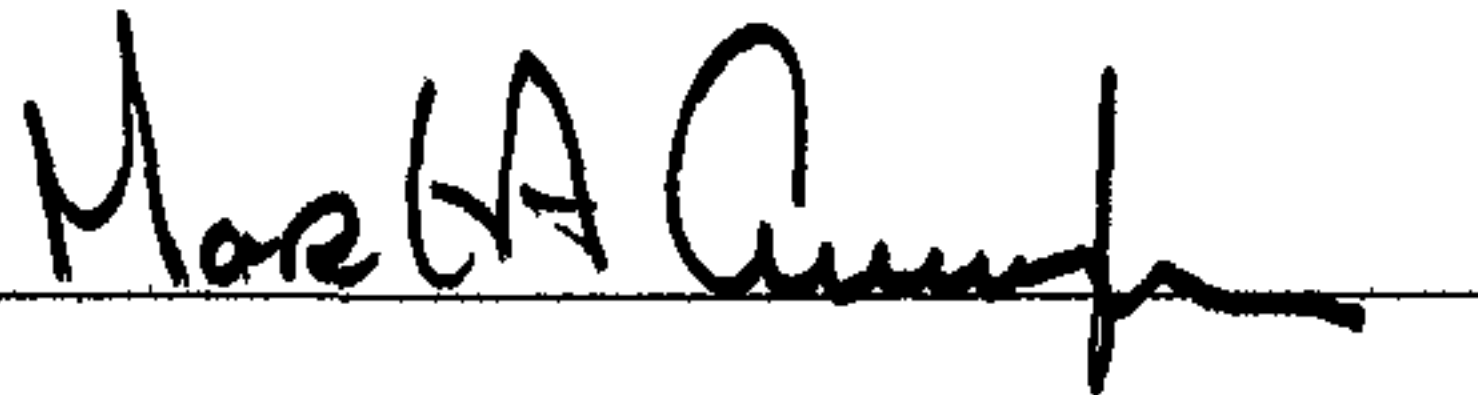
DATE: October 28, 2003

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case 04-170 and 174**
Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:



Section Chief:



AFK/LL

RECEIVED

NOV 1 2003

ZONING COMMISSIONER

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10.21.03

Ms. Rebecca Hart
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 170 JCM

Dear Ms. Hart:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

 Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

☐ SPECIAL HEARING

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

9/30/03



OWNER Frederick & Kathryn Landefeld

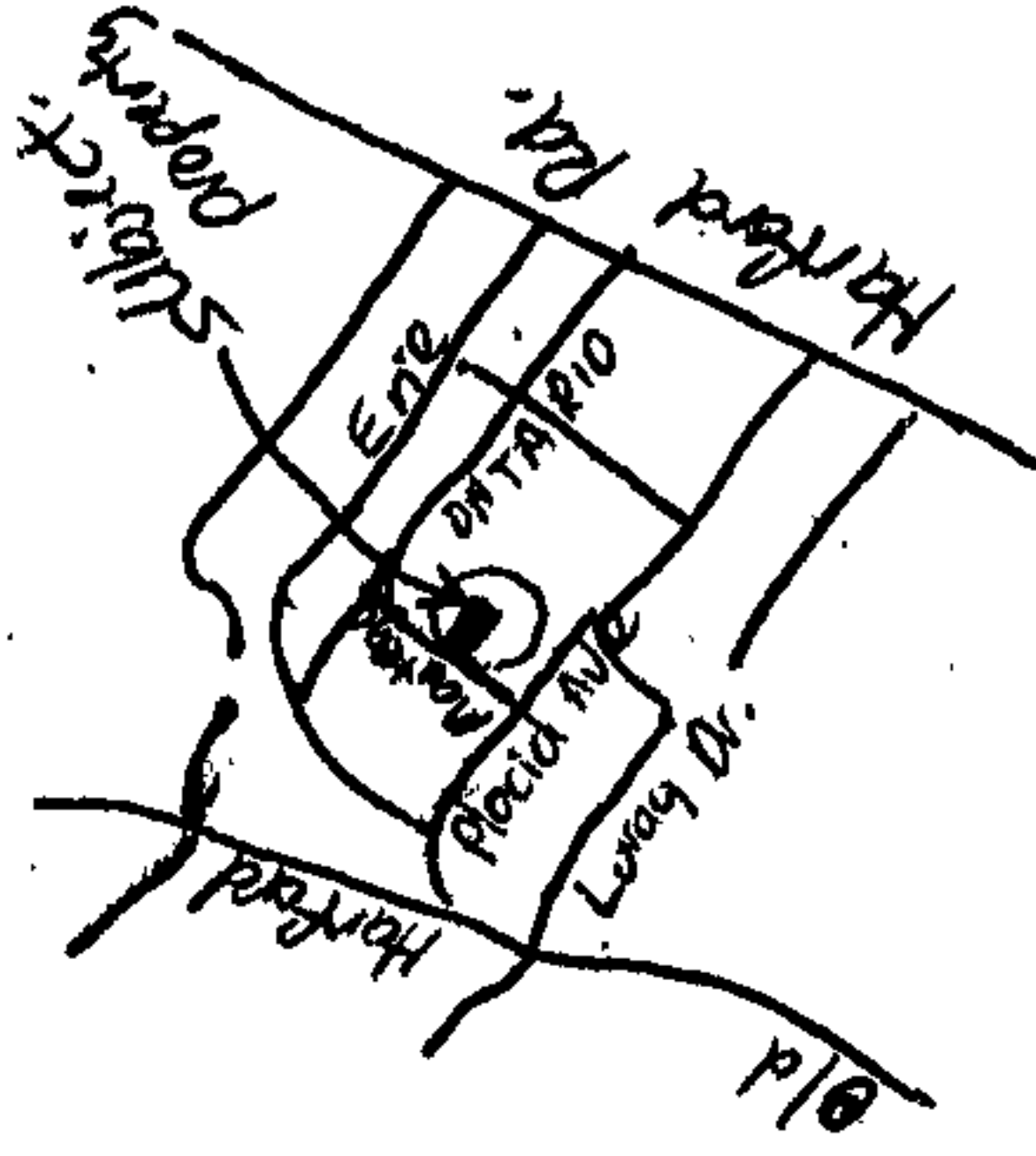


NORTH

PREPARED BY ASC#

SCALE OF DRAWING: 1" = 30'

Rec. #1



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT

COUNCILMANIC DISTRICT

1"=200' SCALE MAP # NE 11-E

ZONING DR 5.5

57.5 X 115.5

ACREAGE

6641
SOLAPUR

PRIVATE

SEWER

312

WATER

☒

CHESAPEAKE BAY
CRITICAL AREA

YES ☐



100 YEAR FLOOD PLAIN

4

☒

HISTORIC PROPERTY/ BUILDING

☐ ☐

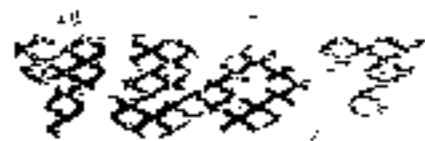
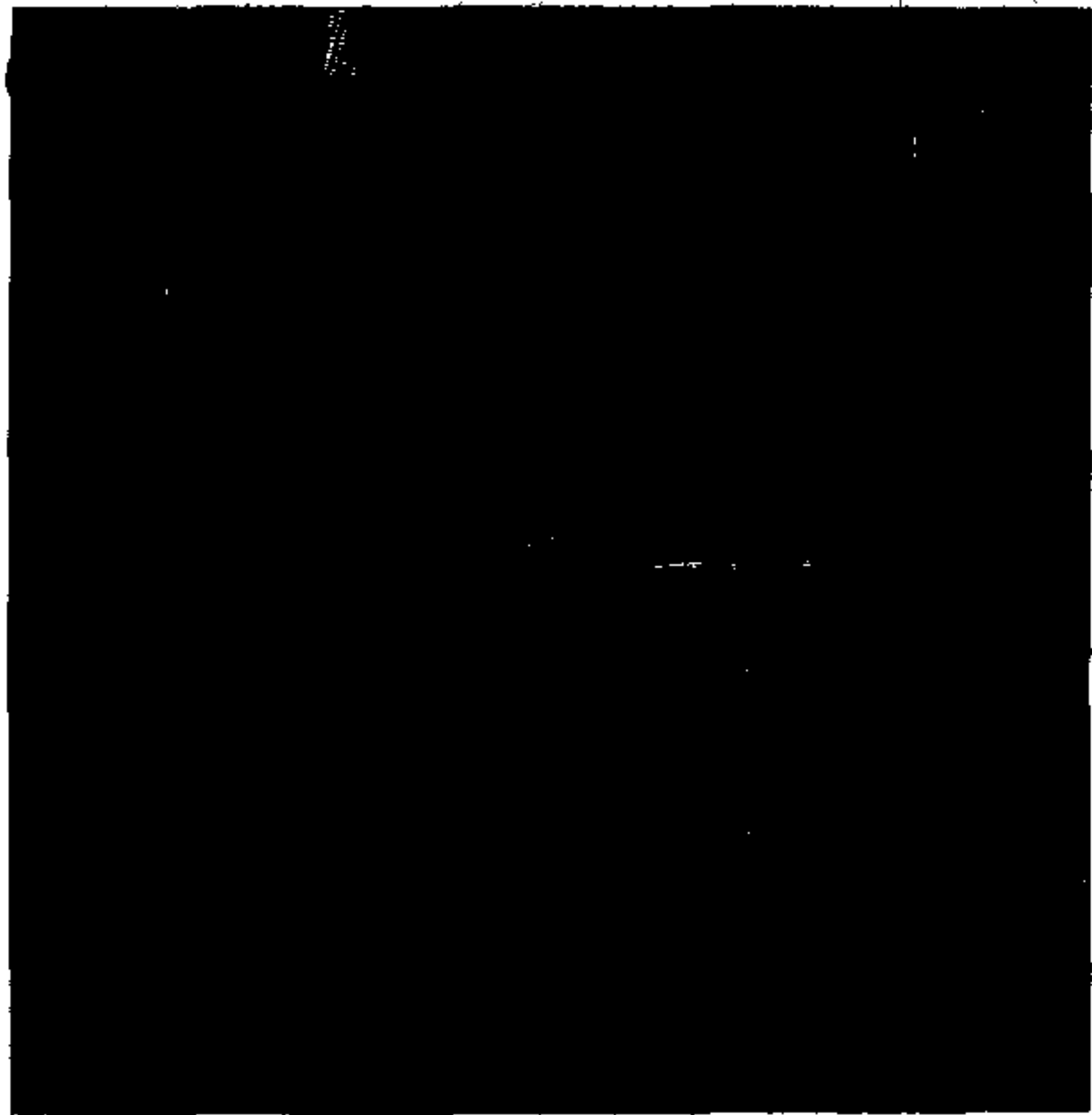
22

PRIOR ZONING HEARING

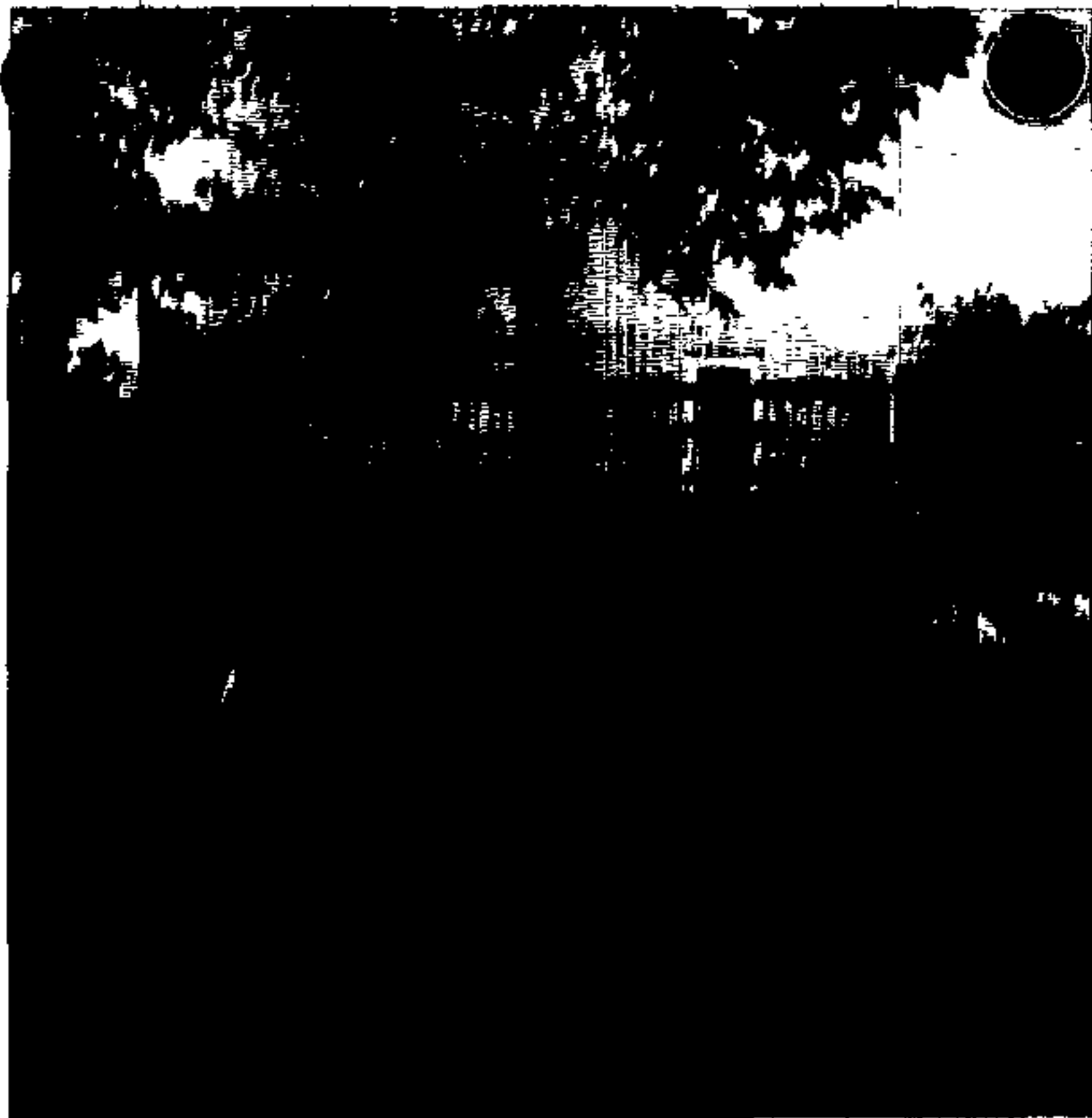
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ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

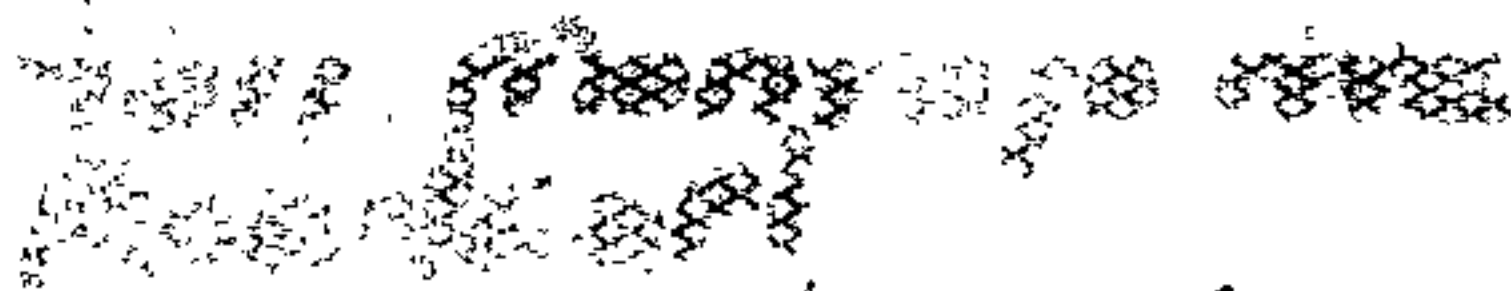
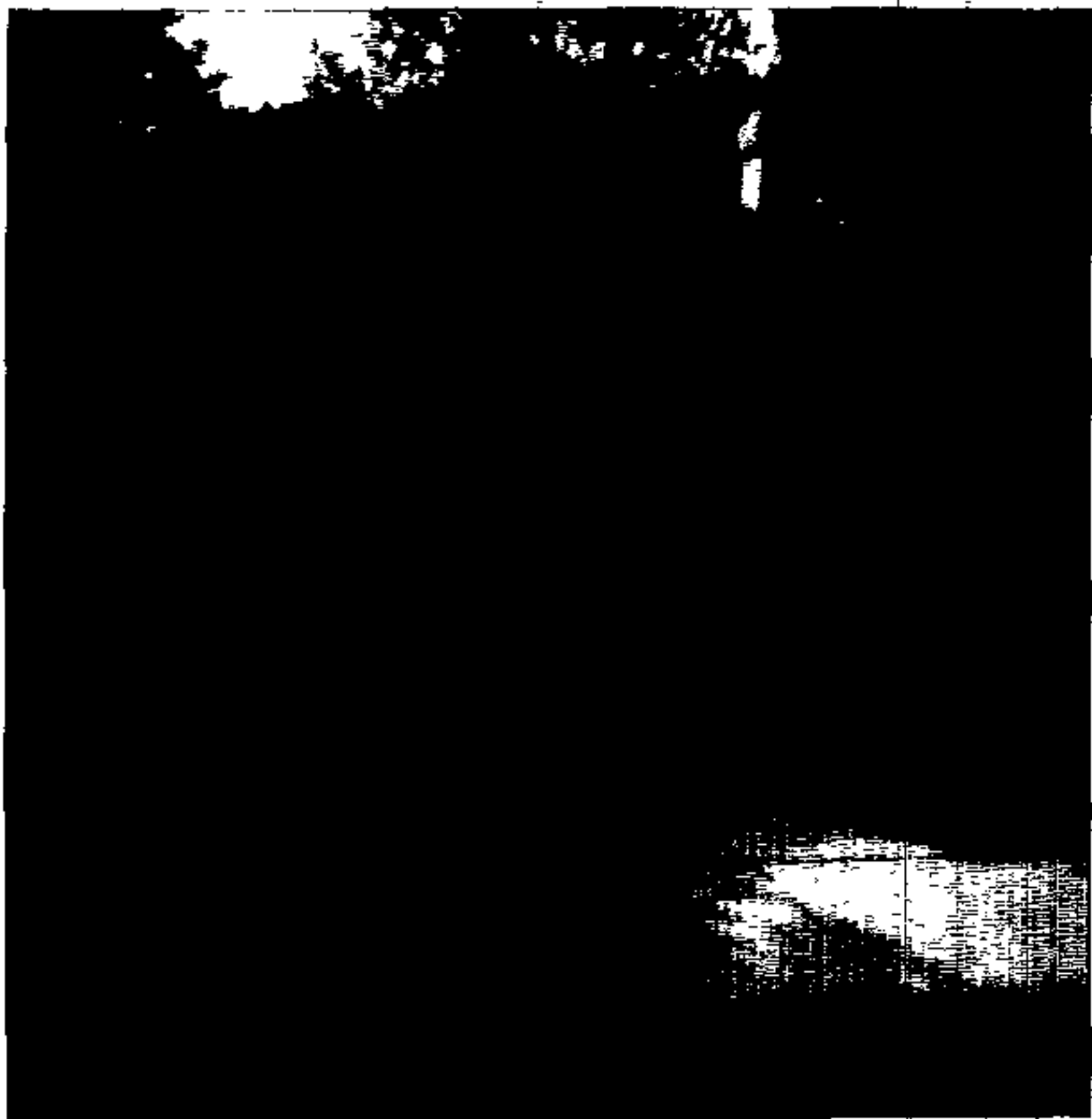
June 1170



024-170-A



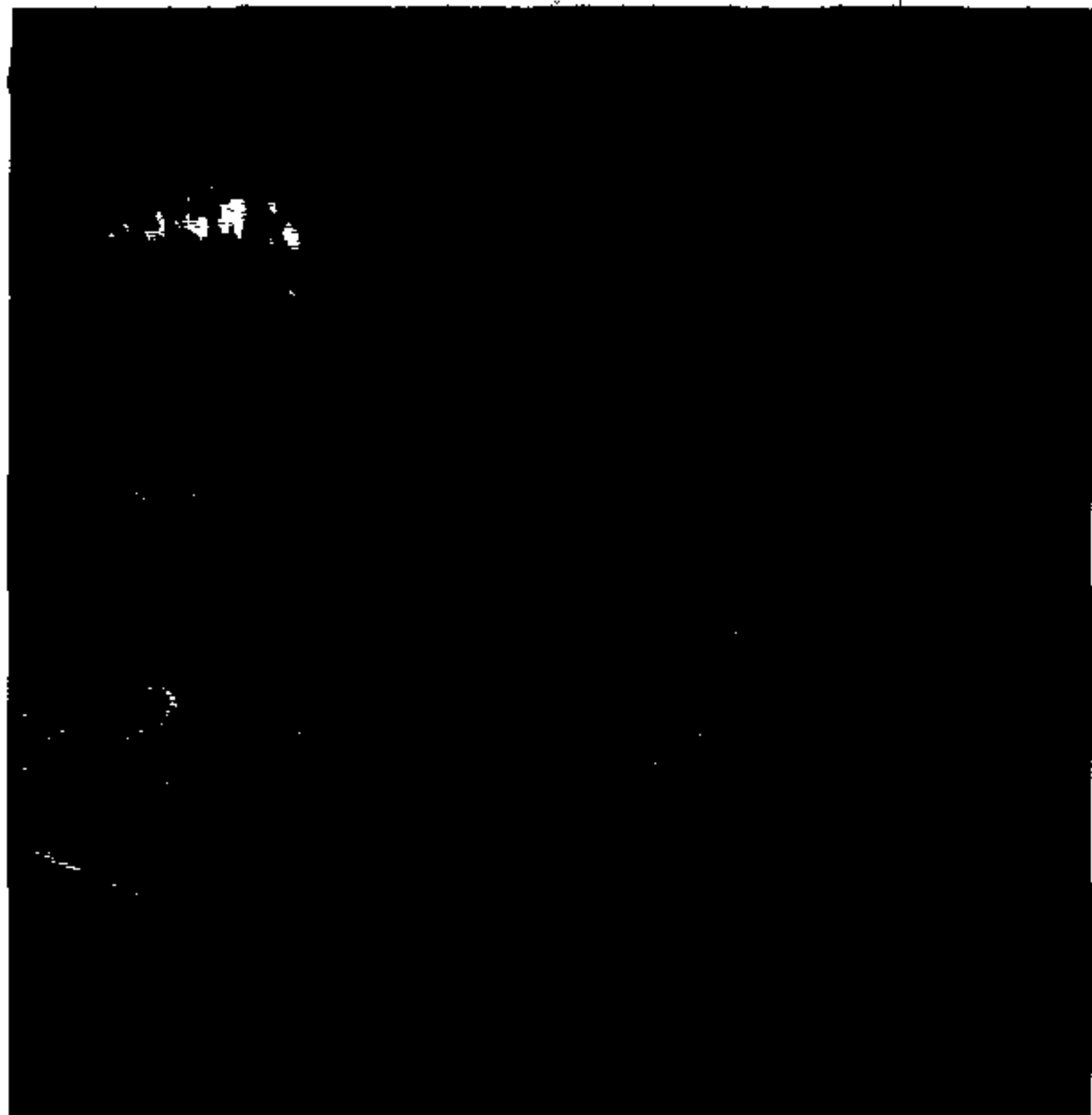
04-170-A



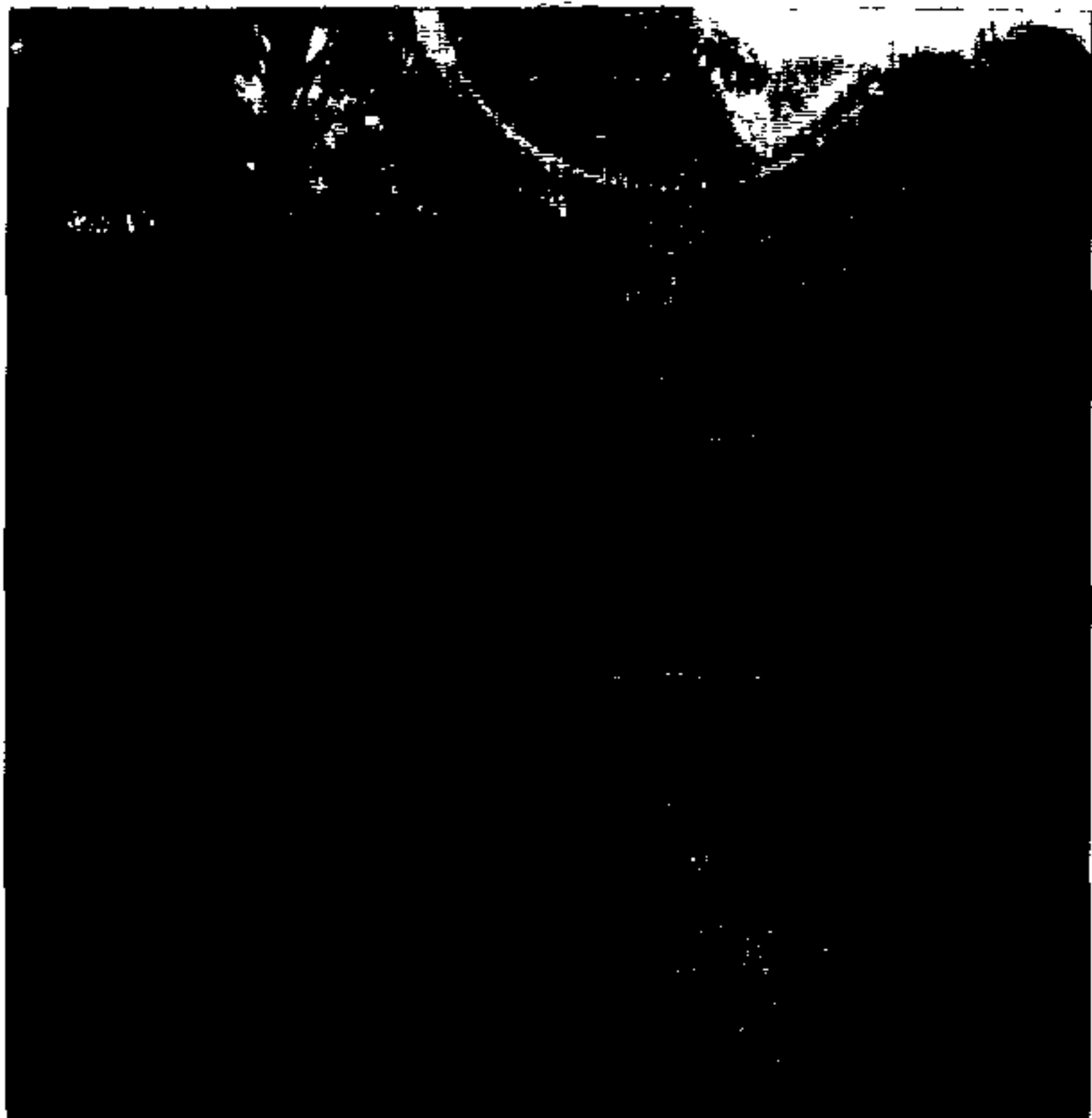
04-150-A



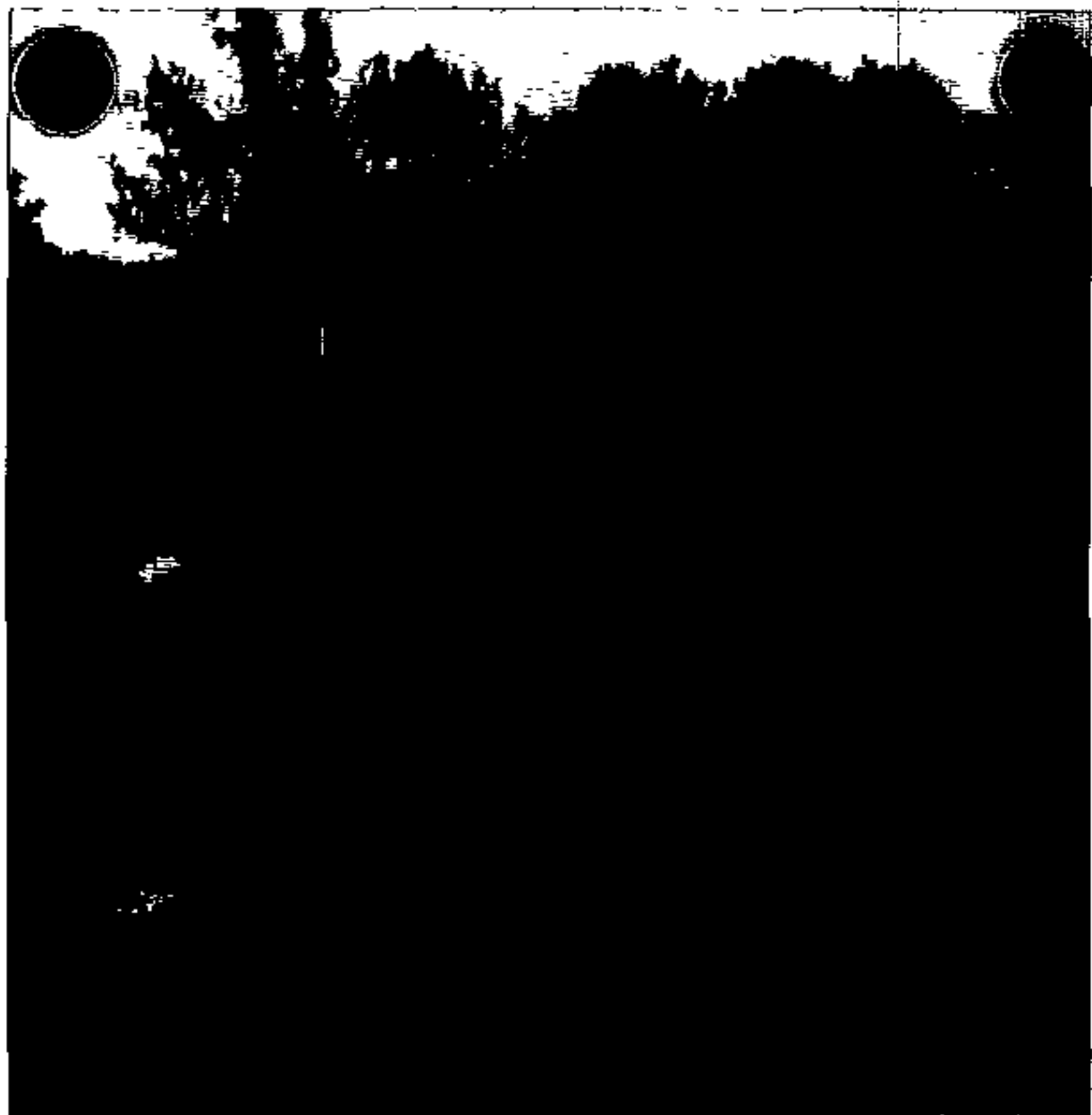
04-170-A



04-179



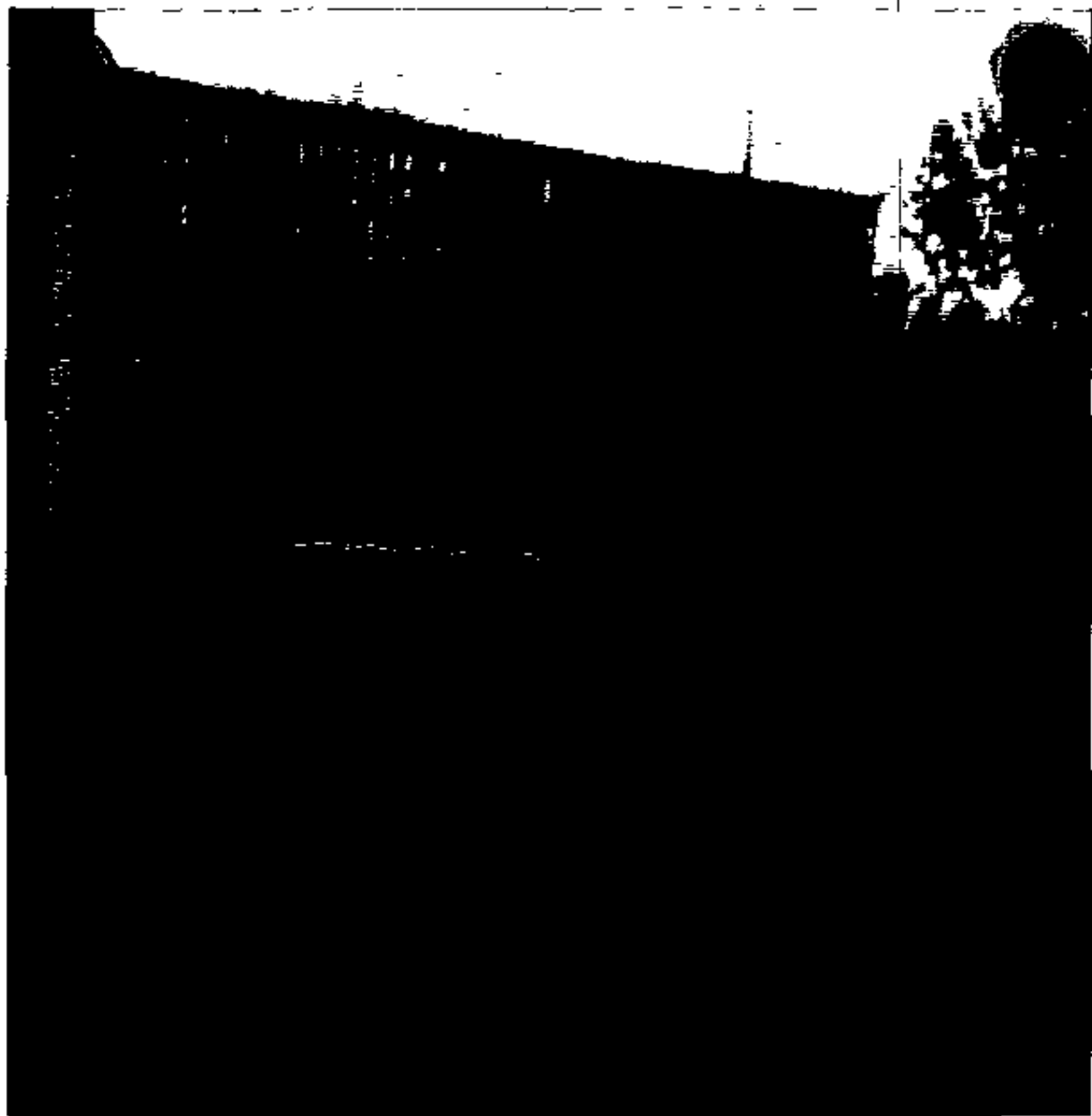
04-170-A



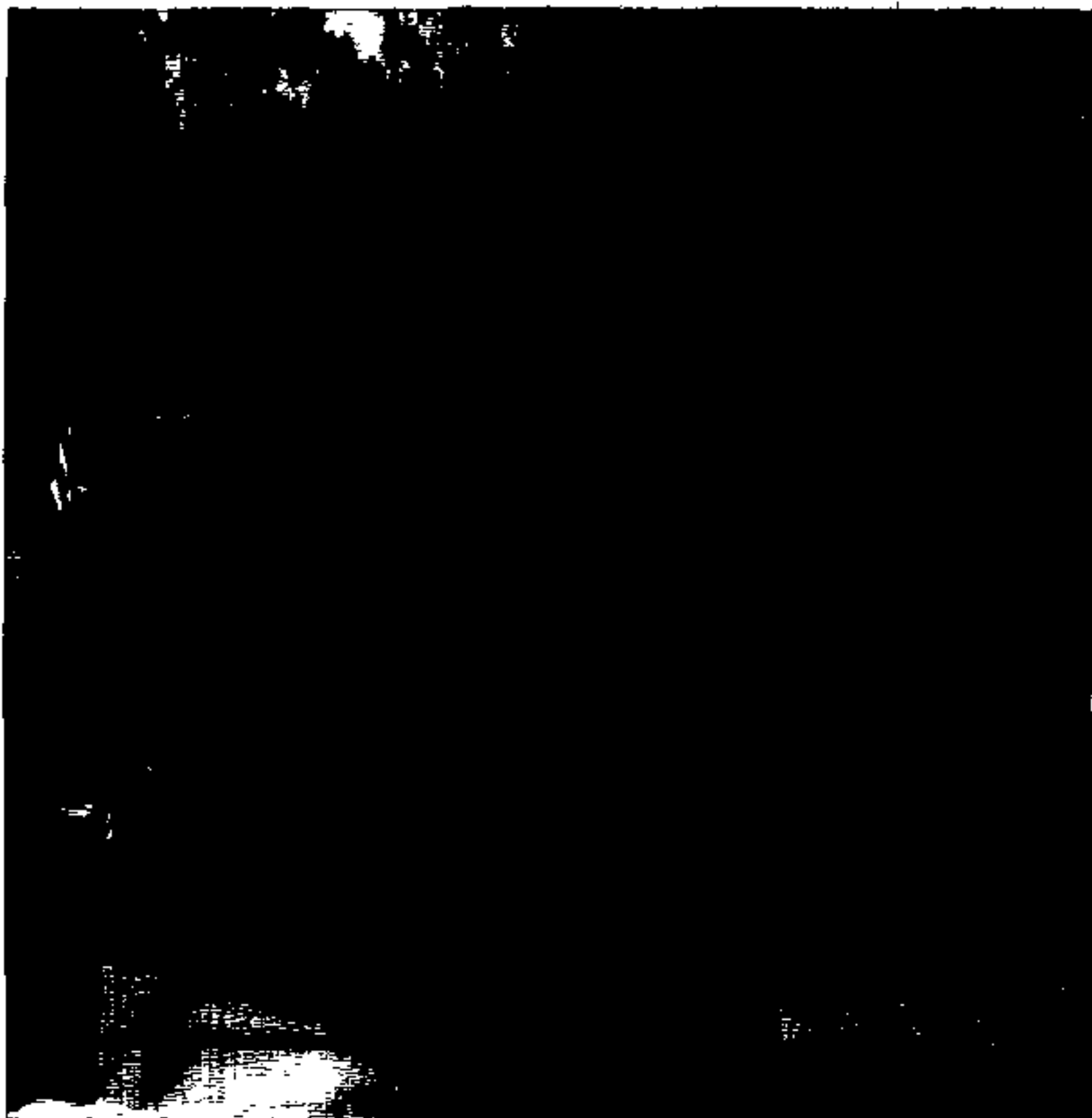
151

04-170

04-170



04-170-A



OV-170-A

