

IN RE: PETITION FOR ADMIN. VARIANCE *
9th Election District
5th Councilmanic District *
(1807 Trenleigh Road) *
Lesley A. Rhoads *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0114-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Lesley A. Rhoads, for property located at 1807 Trenleigh Road. The variance request is from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a rear yard setback for a deck (replacement) of 28' in lieu of the required 37.5'. The subject property and requested relief are more particularly described on Petitioner's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 25, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 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 Administrative Law Judge, the

ORDER RECEIVED FOR FILING

Date 12-19-12

By DW

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 compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 Administrative Law Judge for Baltimore County, this 19th day of December, 2012 that a Variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a rear yard setback for a replacement deck (replacement) of 28' in lieu of the required 37.5', be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner 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.



LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw
ORDER RECEIVED FOR FILING

Date 12-19-12

By DW



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

December 19, 2012

Lesley A. Rhoads
1807 Trenleigh Road
Baltimore, Maryland 21234

RE: PETITION FOR ADMINISTRATIVE VARIANCE
(1807 Trenleigh Road)
Case No. 2013-0114-A

Dear Ms. Rhoads:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw
Enclosure

c: Wendy Jones, American Design and Build, 221 Gateway Drive, Bel Air, MD 21014



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 1807 Trenleigh Road 21234 which is presently zoned DR 10.5

Deed Reference 09/14530/00206 10 Digit Tax Account # 09 07831770

Property Owner(s) Printed Name(s) Lesley A. Rhoads

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ ADMINISTRATIVE VARIANCE from section(s) 1802.3.C.1; BC2R, TO PERMIT A REAR YARD SETBACK FOR A DECK OF 28ft. IN LIEU OF THE REQUIRED 37.5ft. (301.1; BC2R).

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:

Lesley A. Rhoads

Name #1 - Type or Print

Name #2 - Type or Print

LRhoads

Signature #1

Signature #2

1807 Trenleigh Rd Baltimore MD

Mailing Address City State

21234 410-465-1768 Handterp@Verizon.net

Zip Code Telephone # Email Address

Representative to be contacted:

American Design and Build

Name - Type or Print

Windy Jones

Signature

221 Gateway Drive Bel Air MD

Mailing Address City State

21014 410-557-0555 wjones@adbuild.com

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 12-19-12 day BY 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 2013-0114-A Filing Date 11/15/12 Estimated Posting Date 11/25/12 Reviewer JCM

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: 1807 Trenleigh Road Baltimore MD 21234
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)

In my townhouse community, most homes have similar decks. I, too, would like to have more recreational space for my family

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

Lesley A Rhoads
Signature of Affiant

Lesley A Rhoads
Name- Print or Type

Signature of Affiant

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 7th day of November 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Lesley A Rhoads
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

Jayce George Maggitt
Notary Public
3-21-13

My Commission Expires

**ZONING PROPERTY DESCRIPTION FOR 1807 TRENLEIGH ROAD,
21234**

Beginning at a point on the south side of Trenleigh Road which is 18' wide at the distance of 106' south of the centerline of the nearest improve intersecting street, Concrete Alley, which is 16' wide.

Being lot #12, Block 3, Section #2 in the subdivision of Oakleigh Manor as recorded in Baltimore County Plat book # 14530, Folio # 613, containing 1,908sf. Located in the 9th election District and 5th Council District

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

No. 90132

Date: 11/15/12

PAID RECEIPT

BUSINESS ACTUAL TIME IN
11/16/2012 11/15/2012 14:28:57 5

REC'D 0003 WALKIN ROOM LRB
>> RECEIPT # 325723 11/15/2012 DFLN

5 528 ZONING VERIFICATION

Recpt Tot \$75.00
\$75.00 CK \$0.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: 75.00

Rec From: AMERICAN DESIGN

For: 2013-0113-A

DISTRIBUTION

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

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

RE: Case No. 2013-0114-A

Petitioner: Lesley Rhoads

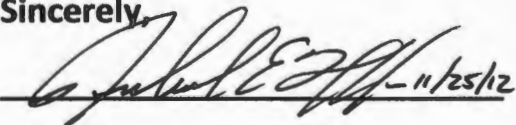
Hearing / Closing Date: 12/10/12

Baltimore County Department of
Permits and Development Management
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____

_____ 1807 Trenleigh Rd. _____
_____ on 11/25/12 _____

Sincerely,

 - 11/25/12

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

410-879-3122

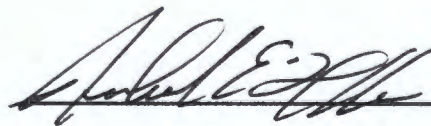
Certificate of Posting

Case No. 2013-0114-A



1807 Trenleigh Road

(Posted 11/25/12)

 11/25/12

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(410) 879-3122

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 2013- 0114 -A Address 1807 TRENLEIGH Rd.Contact Person: J. Merrey Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 11/15/12 Posting Date: 11/25 Closing Date: 12/10

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, usually within 10 days of the closing date if all County agencies' comments are received, 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.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**Case Number 2013- 0114 -A Address 1807 TRENLEIGH Rd.Petitioner's Name LESLEY R. ROADS Telephone 443-465-1768Posting Date: 11/25 Closing Date: 12/10Wording for Sign: To Permit A REAR YARD SETBACK OF 28ft. for
A DECK IN LIEU OF THE REQUIRED 37.5ft.

Revised 7/06/11

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2013-0118-A
Petitioner: LESLEY Rhoads
Address or Location: 1807 TRENLEIGH Rd, BALTO, Md. 21234

PLEASE FORWARD ADVERTISING BILL TO:

Name: American Design & Build
Address: 221 Gateway Drive
Bel Air 21014
Telephone Number: 410-557-0555



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

December 12, 2012

Lesley A. Rhoads
1807 Trenleigh Road
Baltimore MD 21234

RE: Case Number: 2013-0114 A, Address: 1807 Trenleigh Road, 21234

Dear Mr. Rhoads:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 15, 2012. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:jaf

Enclosures

c: People's Counsel
American Design & Build, Wendy Jones, 221 Gateway Drive, Bel Air, MD 21014

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-26-12

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

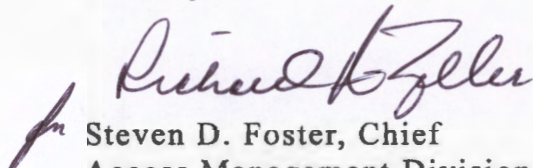
RE: Baltimore County
Item No 2013-0114-A
Administrative Variance
Lesley A. Rhodes
1807 Trenleigh Road

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. 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 Item No. 2013-0114-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: November 29, 2012

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For December 26, 2012
Item Nos. 2013-0113, 0114, 0115, 0117 and 0118,

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN
cc: File

MEMORANDUM

DATE: January 22, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0114-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 18, 2013. 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.'

c: ✓ Case File
Office of Administrative Hearings

Administrative Hearings - Re: 2013-0114-A

From: Administrative Hearings
To: wjones@adbuild.com
Date: 12/14/2012 1:49 PM
Subject: Re: 2013-0114-A

Ms. Jones,

Thank you for your promptness. Our office will now review the file and process ASAP.

>>> <wjones@adbuild.com> 12/14/2012 9:26 AM >>>

Attached are photos for the above hearing. We will be replacing the existing deck with a deck the same size with the stairs descending in the front. This is where the additional 8 ft are being requested. Please let me know if you need any further information.

Thank You,
Wendy Jones
Customer Service Representative
American Design and Build
410-557-0555 x1143
410-692-5475 Fax

Administrative Hearings - 2013-0114-A

From: <wjones@adbuild.com>
To: <administrativehearings@baltimorecountymd.gov>
Date: 12/14/2012 9:29 AM
Subject: 2013-0114-A
Attachments: Rhoads.pdf

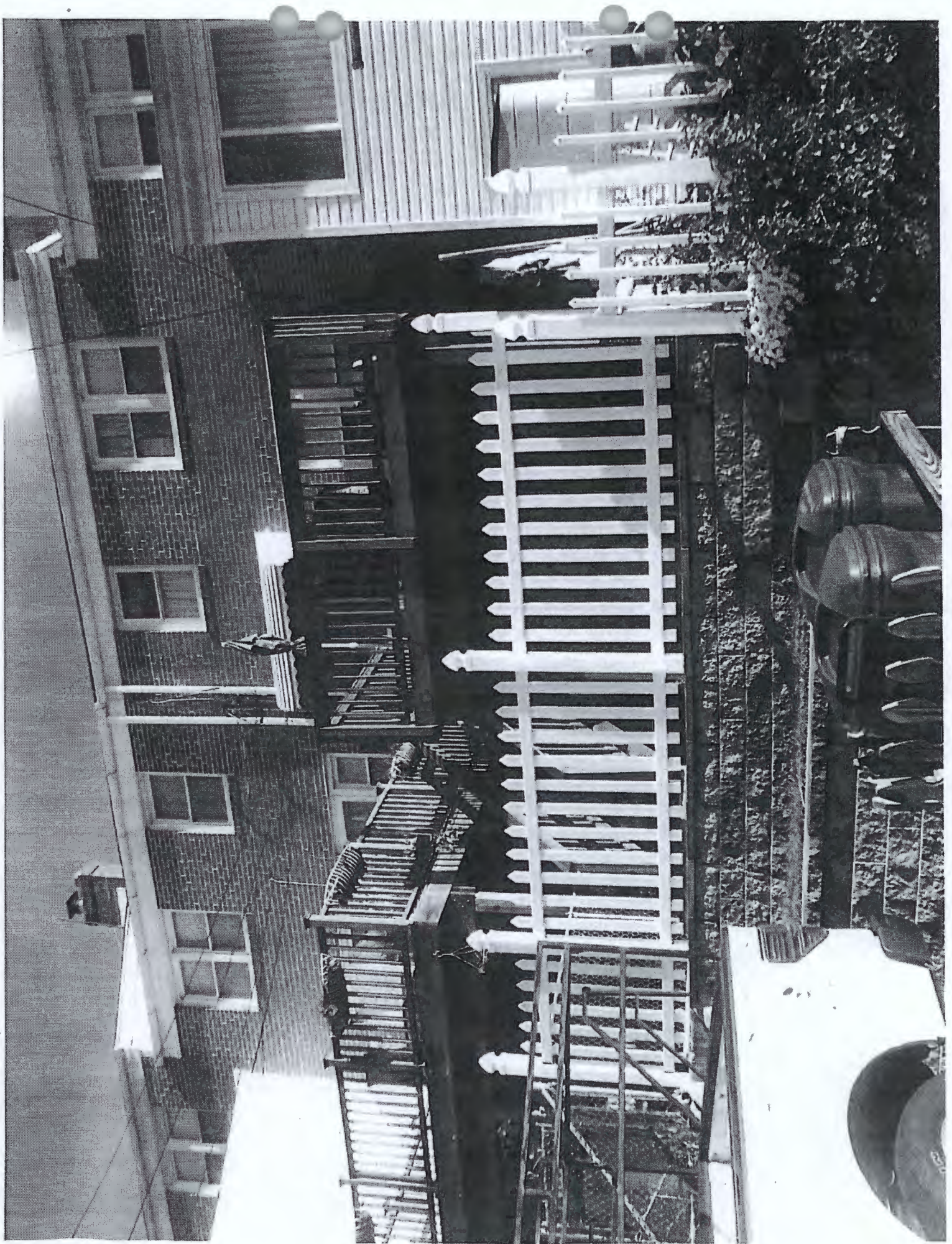
Attached are photos for the above hearing. We will be replacing the existing deck with a deck the same size with the stairs descending in the front. This is where the additional 8 ft are being requested. Please let me know if you need any further information.

Thank You,
Wendy Jones
Customer Service Representative
American Design and Build
410-557-0555 x1143
410-692-5475 Fax

RECEIVED

DEC 14 2012

OFFICE OF ADMINISTRATIVE HEARINGS





Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier:

District - 09 Account Number - 0907831770

Owner Information

Owner Name: RHOADS LESLEY A **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 1807 TRENLEIGH RD
BALTIMORE MD 21234-3832 **Deed Reference:** 1) /14530/ 00206
2)

Location & Structure Information

Premises Address
1807 TRENLEIGH RD
0-0000

Legal Description

1807 TRENLEIGH RD
OAKLEIGH MANOR

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
0070	0018	0890		0000	2	3	12	2	

Town NONE**Special Tax Areas**

Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1956	1,152 SF	1,908 SF	04

Stories 2.000000 **Basement** YES **Type** END UNIT BRICK **Exterior**

Value Information

	Base Value	Value As Of 01/01/2011	Phase-in Assessments As Of 07/01/2012	As Of 07/01/2013
Land	60,000	60,000		
Improvements:	115,200	88,200		
Total:	175,200	148,200	148,200	148,200
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
ROSAK KENNETH D	06/15/2000	\$77,000
Type: ARMS LENGTH IMPROVED	Deed1: /14530/ 00206	Deed2:
Seller: GUZMAN JOSEPH A	Date: 03/10/1999	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /13579/ 00613	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:**Special Tax Recapture:****Exempt Class:**

NONE

Homestead Application Information

Homestead Application Status: No Application

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 1807 TRENLEIGH RD 21234 OWNER(S) NAME(S) LESLEY A. RHODES

SUBDIVISION NAME OAKLEIGH MANOR LOT # 12 BLOCK # 3 SECTION # 2

PLAT BOOK # 4530 FOLIO # 613 10 DIGIT TAX # 09 07 83 1770 DEED REF. # 14530/00206

SITE VICINITY MAP

N
↑
MAP IS NOT TO SCALE

ZONING MAP# 070C2

SITE ZONED DR 10.5

ELECTION DISTRICT 9th

COUNCIL DISTRICT 5th

LOT AREA ACREAGE .043

OR SQUARE FEET 1,908

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? _____

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

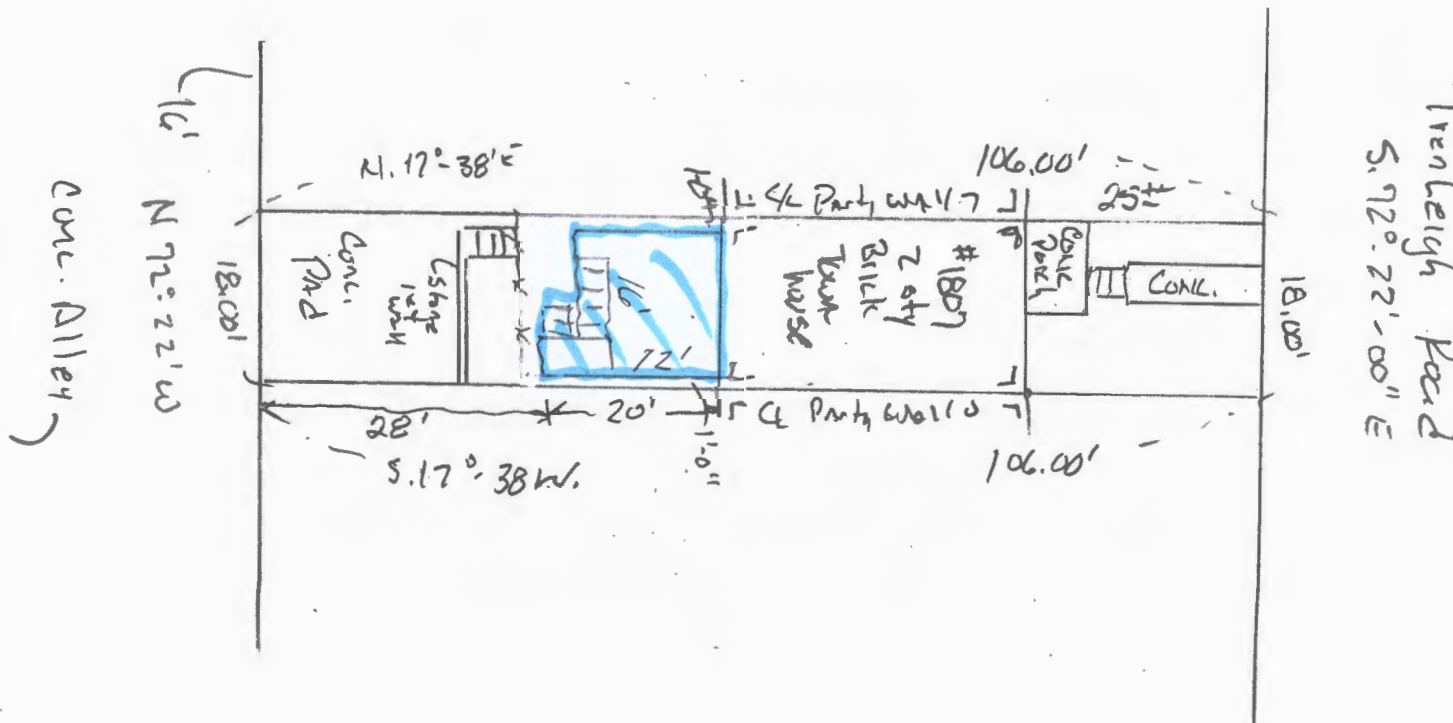
PUBLIC X PRIVATE _____

PRIOR HEARING? _____

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:



PLAN DRAWN BY Mark Szabo DATE 10-16-12 SCALE: 1 INCH = 20 FEET

Pet. #1