

IN RE: PETITION FOR VARIANCE

(9218 Liberty Road)

2nd Election District

4th Councilmanic District

LaFayette Homes, Inc.

Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0211-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Edward J. Gilliss, Esquire, of Royston, Mueller, McLean & Reid, LLP on behalf of the legal owner, LaFayette Homes, Inc., Petitioner. The Variance was filed pursuant to §303.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to allow for a front yard setback of 23 ft. in lieu of the 35 ft. required due to front yard averaging. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Emilio Frederick and Dwight Little, professional engineer from Little & Associates, Inc., the firm that prepared the site plan. Edward J. Gilliss, Esquire, appeared as counsel and represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance, and the file does not contain any letters of opposition.

The only substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP) dated May 2, 2014, indicating that agency supports the Petitioner's request. The DOP raised an issue about construction of sidewalks along Liberty Road, and Mr. Frederick confirmed that the State Highway Administration (SHA) has in fact

**RECEIVED
ORDER RECEIVED FOR FILING**

Date

JUN 10 2014

By

OFFICE OF ADMINISTRATIVE HEARINGS

completed construction of the sidewalk adjacent to this property.

The subject property is approximately 7,197 sf. and is zoned RO. The property is improved with a dilapidated single family dwelling which, according to State records, is over 100 years old. The Petitioner proposes to construct a new single family dwelling in its place, but requires variance relief for the front setback under the front yard averaging rules.

Based upon the testimony and evidence presented, I will grant the petition for variance. To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. The property is bounded by both Liberty and Chapman Roads, the latter of which bends or curves in front of the site. This feature renders the site unique. If the B.C.Z.R. were strictly interpreted the Petitioner would suffer a practical difficulty, since it would be unable to construct a suitable single family dwelling on the site. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the absence of County and/or community opposition. In addition, as noted by the DOP, the proposed home would be in line with the setbacks of nearby homes, which is the goal of the front yard averaging regulations.

THEREFORE, IT IS ORDERED, this 10th day of June, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to §303.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to allow for a front yard setback of 23 ft. in lieu of the 35 ft. required due to front yard averaging, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

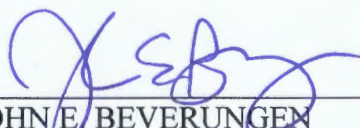
Date 6/10/14

By OFFICE OF ADMINISTRATIVE HEARINGS

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, 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.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB: sln

RECEIVED
ORDER RECEIVED FOR FILING
Date JUN 10 2014
By slh
OFFICE OF ADMINISTRATIVE HEARINGS

KEVIN KAMENETZ
County Executive



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

June 10, 2014

Edward J. Gilliss, Esquire
102 W. Pennsylvania Avenue
Suite 600
Towson, Maryland 21204

RE: Petition for Variance
Property: 9218 Liberty Road
Case No. 2014-0211-A

Dear Mr. Gilliss:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal flourish extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

IN RE: PETITIONS FOR SPECIAL HEARING and*	BEFORE THE
VARIANCE – N/S Liberty Road, 108' E of	
Chapman Road	* ZONING COMMISSIONER
(9216 & 9218 Liberty Road)	
2 nd Election District	* OF BALTIMORE COUNTY
4 th Council District	
	* Case No. 05-613-SPHA
Liberty Properties Management, Inc.	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Neal L. Teitelbaum, President of Liberty Properties Management, Inc., Owners of the subject properties, through their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioners request a special hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the continued commercial use of a driveway through a residential lot and to allow for the continued use of an existing garage/storage building for commercial purposes. In addition, variance relief is requested from Section 204.4.C.4 of the B.C.Z.R. to allow an existing Class A Office Building, known as 9216 Liberty Road, with a side yard setback of 15 feet in lieu of the required 20 feet from an adjacent residentially used property (9218 Liberty Road). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Neal Teitelbaum and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioners. Also appearing was Bruce Doak, a Registered Property Line Surveyor who prepared the site plan for these properties. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a roughly square shaped parcel located at the northeast corner of Liberty Road and Chapman Road in Randallstown. The property consists of two separate lots, which contain a combined gross area of 0.905 acres,

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. As noted above, the properties are located in an area that contains a mix of both commercial and residential uses. Moreover, the improvements and uses on the respective properties have remained the same for over 40 years. There were no adverse comments submitted by any County reviewing agency, and no one voiced any opposition to the request. Thus, I find that the relief requested is appropriate in this instance to legitimize existing conditions. I further find that the relief requested will not adversely impact adjacent uses or the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of August 2005 that the Petition for Special Hearing to approve the continued commercial use of a driveway through a residential lot and the continued use of an existing garage/storage building for commercial purposes, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 204.4.C.4 of the B.C.Z.R. to allow an existing Class A Office Building, known as 9216 Liberty Road, with a side yard setback of 15 feet in lieu of the required 20 feet from an adjacent residentially used property (9218 Liberty Road), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted herein is conditioned upon the contiguous ownership of the subject two properties. In the event such contiguous ownership ceases, the Petitioners shall record a new deed in the Land Records of Baltimore County conveying a fee-simple interest in the bed of the commercially used driveway on the residential property for the use and benefit of the owner of the commercially used property. Failure to

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
NE/Corner Liberty Road and	
Chapman Road	* ZONING COMMISSIONER
(9218 Liberty Road)	
2 nd Election District	* OF BALTIMORE COUNTY
4 th Council District	
	* Case No. 06-489-SPH
Liberty Properties Management, Inc.	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Liberty Properties Management, Inc., by Neil L. Teitelbaum, through their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioners request a special hearing seeking approval of a waiver of the public works standards set forth in Section VIII, Subsection A, Paragraph 7 of the Bureau of Development Plans Review Policy Manual, to not require certain road improvements and in lieu of a revertible slope easement. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Neal Teitelbaum, on behalf of Liberty Properties Management, Inc., Bruce E. Doak, the Surveyor who prepared the site plan for this property, and Francis X. Borgerding, Jr., Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a roughly square shaped parcel located on the northeast corner of the intersection of Liberty Road and Chapman Road in Randallstown. The property is comprised of two separate lots, identified as 9216 and 9218 Liberty Road, which contain a combined gross area of 0.905 acres, more or less, zoned R.O. This property was the subject of prior Case No. 05-613-SPHA in which the Petitioners sought special hearing and variance relief to legitimize existing conditions on the two

nexus" between the actual development proposed here and the items requested by Development Plans Review. There is no road widening being proposed nor are there curb, gutter and sidewalks in the immediate vicinity. Moreover, it was indicated that other improvements in the area have not been required to comply with the items at issue. In this regard, it was indicated that sidewalk, curb and gutter exist only at the far end of Chapman Road, where a more substantial residential subdivision was built.

In response to their argument, Development Plans Review believes that at the very least, the Petitioners should convey at no cost to the County a 50-foot right-of-way and revertible slope easement along Chapman Road for future road improvements. I find this to be an appropriate resolution to this issue. Petitioner's Exhibit 4 shows the proposed 50-foot right-of-way and easement that will be conveyed to Baltimore County.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. I find that the proposed minor subdivision to create one additional lot does not warrant the need for road improvements to Chapman Road or the installation of sidewalk, curb and gutter. Moreover, I find that the proposal will be a benefit to the community in removing an eyesore and improve existing conditions on the property. Finally, I find that the relief requested is appropriate in this instance and that there will be no detrimental impact to adjacent properties or the health, safety or general welfare of the surrounding locale.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of June 2006 that the Petition for Special Hearing seeking approval of a waiver of the public works standards set forth in Section VIII, Subsection A, Paragraph 7 of the Bureau of Development Plans Review Policy Manual, to not require certain road improvements and in lieu of a revertible slope easement, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:



PETITION FOR ZONING HEARING(S)

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

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

Address 9218 Liberty Road, Randallstown, MD 21133 which is presently zoned RO
 Deed References: 33890 / 218 10 Digit Tax Account # 0 2 0 1 7 4 0 3 8 1
 Property Owner(s) Printed Name(s) Emilio Frederick

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

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

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a Variance from Section(s)
 Variance from BCZR §303.1 to allow for a front yard setback of 23' in lieu of the 35' required due to front yard averaging.

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

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:

Edward J. Gilliss
 Name- Type or Print

Signature

102 W. Pennsylvania Ave., Suite 600 Towson MD
 Mailing Address City State

21204 / 410-823-1800 / egilliss@rmmr.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

LaFayette Homes, Inc.

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 By: Emilio Frederick Signature #2

1150 Ripley Street #407 Silver Spring MD
 Mailing Address City State

20910 / / emilio.frederick@gmail.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Date Mailing Address City State

By / /
 Zip Code Telephone # Email Address

CASE NUMBER 2014-0211-A

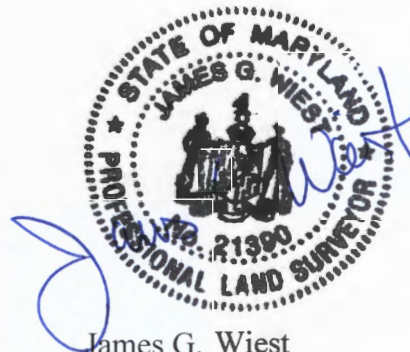
Filing Date 4/11/14

Do Not Schedule Dates:

Reviewer AT

ZONING DESCRIPTION FOR
#3601 CHAPMAN ROAD

Beginning at the intersection of the east side of Chapman Road, 50 feet wide, and the north side of Liberty Road, 66 feet wide. Thence (1) North 24 degrees 18 minutes 29 seconds East 82.54 feet; thence (2) South 60 degrees 06 minutes 46 seconds East 91.26 feet; thence (3) South 29 degrees 23 minutes 26 seconds West 82.16 feet; thence (4) North 60 degrees 06 minutes 46 seconds West 83.94 feet to the place of beginning. Being Lot 1 as recorded among the Land Records of Baltimore County in Liber J.L.E. 33890 folio 218, containing 0.165 acres of land, more or less. Also known as #3601 Chapman Road and located in the 2nd Election District, 4th Councilmanic District.



James G. Wiest
Registration No. 21390
License Expires/Renews:
February 5, 2016

2014-0211-A

**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: 2014-0211-A

Petitioner: Emilio Frederick

Address or Location: 9218 Liberty Road, Randallstown, Maryland 21133

PLEASE FORWARD ADVERTISING BILL TO:

Name: EDWARD J. Gillis

Address: 102 WEST PENNSYLVANIA AVENUE, SUITE 600

THE ROYSTON BUILDING

TOWSON, MD 21204-4575

Telephone Number: 410-823-1800

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

May 18, 2014

Re:

Case Number: 2014- 0211-A

Petitioner / Owner: LaFayette Homes, Inc.

Date of Hearing: June 9, 2014

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

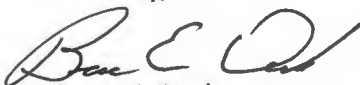
Attention: Kristen Lewis

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 **9218 Liberty Road**.

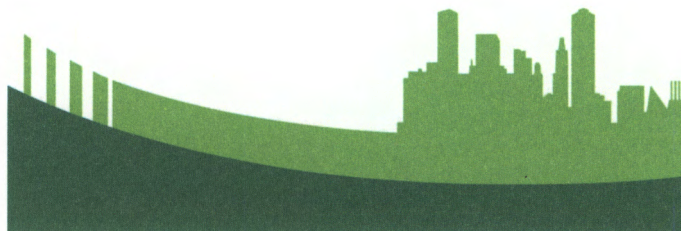
The sign(s) were posted on **May 17, 2014**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2014-0211-A

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE IN TOWSON
MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204**

DATE & TIME: Monday June 09, 2014 1:30 PM

**REQUEST: VARIANCE TO ALLOW FOR A FRONT
YARD SETBACK OF 23 FEET IN LIEU OF THE 35 FEET
REQUIRED DUE TO FRONT YARD AVERAGING.**

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE





THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

May 22, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on May 20, 2014



The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

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

Case: # 2014-0211-A

9218 Liberty Road
SE/s Chapman Road, 82 ft. NE of centerline
of Liberty Road

2nd Election District - 4th Councilmanic District
Legal Owner(s): LaFayette Homes, Inc.

Variance: to allow for a front yard setback of 23 feet in lieu of the 35 feet required due to front yard averaging.

Hearing: Monday, June 9, 2014, at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 5/731 May 20

980202



KEVIN KAMENETZ
County Executive

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

May 8, 2014

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2014-0211-A

9218 Liberty Road

SE/s Chapman Road, 82 ft. NE of centerline of Liberty Road

2nd Election District – 4th Councilmanic District

Legal Owners: LaFayette Homes, Inc.

Variance to allow for a front yard setback of 23 feet in lieu of the 35 feet required due to front yard averaging.

Hearing: Monday, June 9, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a circular stamp. The stamp contains the text "Arnold Jablon" and "Director" below it.

Arnold Jablon
Director

AJ:kl

C: Edward Gillis, 102 W. Pennsylvania Avenue, Ste. 600, Towson 21204
LaFayette Homes, Inc., 1150 Ripley Street, #407, Silver Spring 20910

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 20, 2014.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 20, 2014 Issue - Jeffersonian

Please forward billing to:

Edward Gillis
102 West Pennsylvania Avenue, Ste. 600
Royston Building
Towson, MD 21204

410-823-1800

NOTICE OF ZONING HEARING

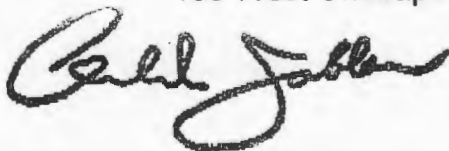
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SE/s Chapman Road, 82 ft. NE of centerline of Liberty Road
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105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

MEMORANDUM

DATE: July 11, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0211-A – Appeal Period Expired

The appeal period for the above-referenced case expired on July 10, 2014. 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

RE: PETITION FOR VARIANCE
9218 Liberty Road; SE/S Chapman Road,
82' NE of c/line of Liberty Road
2nd Election & 4th Councilmanic Districts
Legal Owner(s): LaFayette Homes, Inc
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-211-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

APR 30 2014

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of April, 2014, a copy of the foregoing Entry of Appearance was mailed to Edward Gilliss, Esquire, 102 West Pennsylvania Avenue, Suite 600, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2014- 0211-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>4/23/14</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
<u>5/2/14</u>	PLANNING (if not received, date e-mail sent _____)	<u>NO object w/e</u>
<u>4/2/14</u>	STATE HIGHWAY ADMINISTRATION	<u>No obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2005-0613-SPHA</u> <u>2006-0489-SPH</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>5/20/14</u>	
SIGN POSTING	Date: <u>5/17/14</u> by <u>DOAK</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

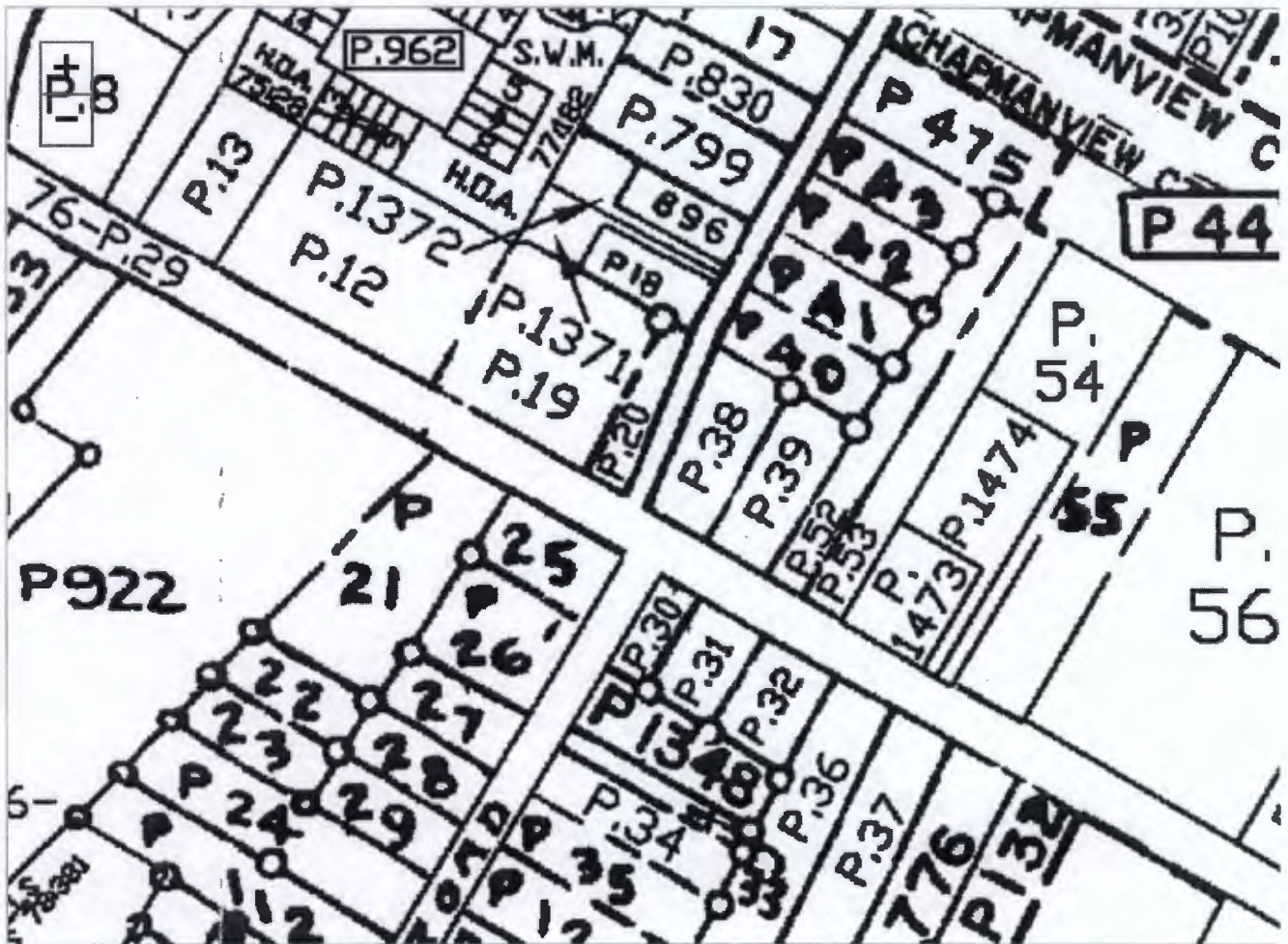
Real Property Data Search (w3)

[Search Help](#)Your feedback is important to us. [Please take our short survey.](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 02 Account Number - 0201740381	
Owner Information		
Owner Name:	LAFAYETTE HOMES INC	Use: COMMERCIAL/RESIDENTIAL
Mailing Address:	6400 BALTIMORE NATIONAL PIKE BALTIMORE MD 21228-	Principal Residence: NO Deed Reference: 1) /33890/ 00218 2)
Location & Structure Information		
Premises Address:	9218 LIBERTY RD 0-0000	Legal Description: .165 AC MINOR SUBDIVISION 9218 LIBERTY RD ES SE COR CHAPMAN RD
Map: 0077	Grid: 0007	Parcel: 0038
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 1	Assessment Year: 2013
Plat No:	Plat Ref:	
Special Tax Areas:	Town: NONE	Ad Valorem:
Tax Class:	Property Land Area 7,197 SF	County Use 06
Primary Structure Built 1891	Above Grade Enclosed Area 1008	Finished Basement Area
Stories 2.000000	Basement NO	Garage
Type STANDARD UNIT	Exterior FRAME	Full/Half Bath 1 full
Last Major Renovation		
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2013	07/01/2013
Land: 50,200	50,200	
Improvements 13,500	13,500	
Total: 63,700	63,700	65,500
Preferential Land: 0		63,700
		0
Transfer Information		
Seller: LAFAYETTE HOMES INC	Date: 07/02/2013	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /33890/ 00218	Deed2:
Seller: LIBERTY PROPERTIES MANAGEMENT INC	Date: 06/13/2013	Price: \$90,000
Type: ARMS LENGTH IMPROVED	Deed1: /33777/ 00337	Deed2:
Seller: BERRY L WILSON BERRY PATRICIA A	Date: 02/20/1996	Price: \$130,000
Type: ARMS LENGTH MULTIPLE	Deed1: /11439/ 00211	Deed2:
Exemption Information		
Partial Exempt Assessments: Class	07/01/2013	07/01/2014
County: 000	0.00	
State: 000	0.00	
Municipal: 000	0.00 0.00	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **02** Account Number: **0201740381**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please

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KEVIN KAMENETZ
County Executive

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

June 4, 2014

LaFayette Homes Inc.
Emilio Frederick
1150 Ripley Street
#407
Silver Spring MD 20910

RE: Case Number: 2014-0211 A, Address: 9218 Liberty Road

Dear Mr. & Ms. Kinisley:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 11, 2014. 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
Edward J. Gillis, Esquire, 102 W. Pennsylvania Avenue, Suite 600, Towson MD 21204

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: ~~05~~ 4/21/14

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2014-0211-A
Variance
Lafayette Homes, Inc.
9218 Liberty Road.

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 4/21/14. A field inspection and internal review reveals that an entrance onto MD26 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2014-0211-A.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmr.com

OF COUNSEL

EUGENE W. CUNNINGHAM, JR., P.A.
BRADFORD G.Y. CARNEY
STEPHEN C. WINTER
LISA J. McGRATH

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

RICHARD A. REID
1931-2008

* ALSO ADMITTED IN D.C.

R. TAYLOR McLEAN
WILLIAM F. BLUE
THOMAS F. McDONOUGH
LAUREL PARETTA REESE
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD
LEANNE M. SCHRECENGOST

JONATHAN M. HERBST
JAMES L. SHEA, JR.
MARTHA K. WHITE
ROBERT F. MILLER
SARAH M. GRABENSTEIN

April 10, 2014

VIA HAND DELIVERY

Baltimore County Department of Permits,
Approvals and Inspections
County Office Building
111 West Chesapeake Ave. Suite 105
Towson, MD 21204

Re: Liberty Properties Management, Inc.
9218 Liberty Road
Randallstown, MD 21133

Dear Sir or Madam:

Enclosed with this letter are documents relating to the request that a variance hearing be scheduled:

- Twelve copies of the hearing plan;
- Three copies of the Petition with original signatures;
- Three copies of the property description;
- One copy of the GIS Zoning Map;
- One completed copy of the advertising and posting requirements and procedures form;
- A \$75.00 filing fee in the form of a check made payable to "Baltimore County" from my firm's advance account.

Thank you for your cooperation.

Very truly yours,

Edward J. Gilliss

EJG/ajf
Enclosures

S:\LITIGATIONS\EJG\Clients\Frederick, Emilio\PAI 3-26-14.doc

2014-0211-A

6/9
1-30

NO DATE
5/8/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: May 2, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 9218 Liberty Road

INFORMATION:

Item Number: 14-211

Petitioner: Lafayette Homes, Inc.

Zoning: RO

Requested Action: Variance

RECEIVED

MAY 05 2014

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner is seeking variance to allow for a front yard setback of 23' in lieu of the 35' required due to front yard averaging.

The Department of Planning does not object to the petitioner's request for a reduced front yard setback because it's setback to the actual paving is consistent with adjoining houses on Chapman Road. The right-of-way in front of this property is significantly wider than the right-of-way of adjacent homes. Planning does have the following comments:

1. Continue the sidewalk along Liberty Road.

For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Prepared By: _____

Division Chief: _____
AVA/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For April 28, 2014
Item No. 2014-0211, 0212, 0213, 0214 and 0215

DATE: April 23, 2014

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

DAK:CEN.
Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC04282014 -.doc

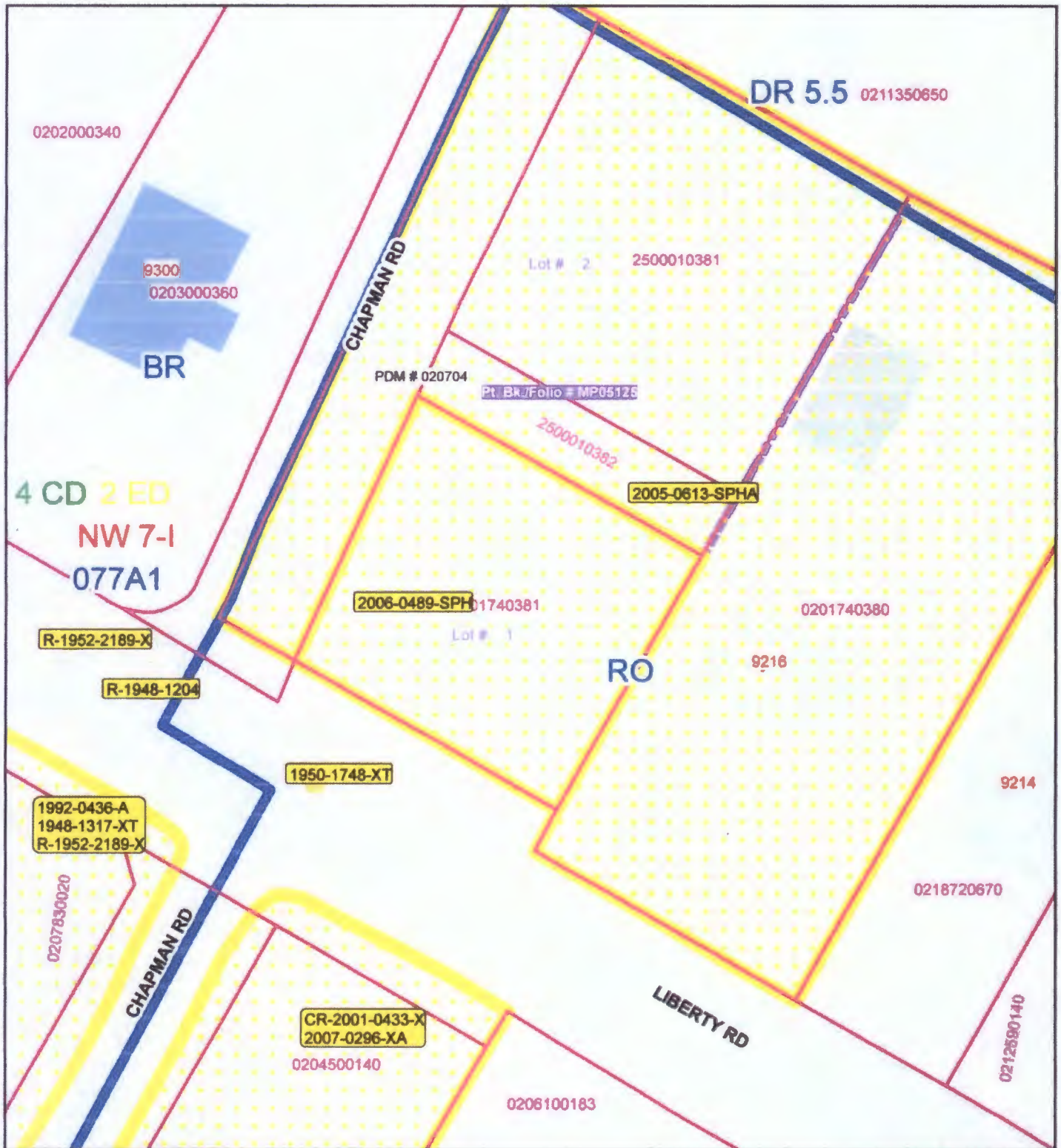
PLEASE PRINT CLEARLY

CASE NAME 9218 Liberty Rd
CASE NUMBER 2014-211-A
DATE 6.9.14

PETITIONER'S SIGN-IN SHEET

[illegible]

9218 Liberty Road



Publication Date: 3/13/2014



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

2014-0211-A

Case No.: 2014-0211-A

Exhibit Sheet

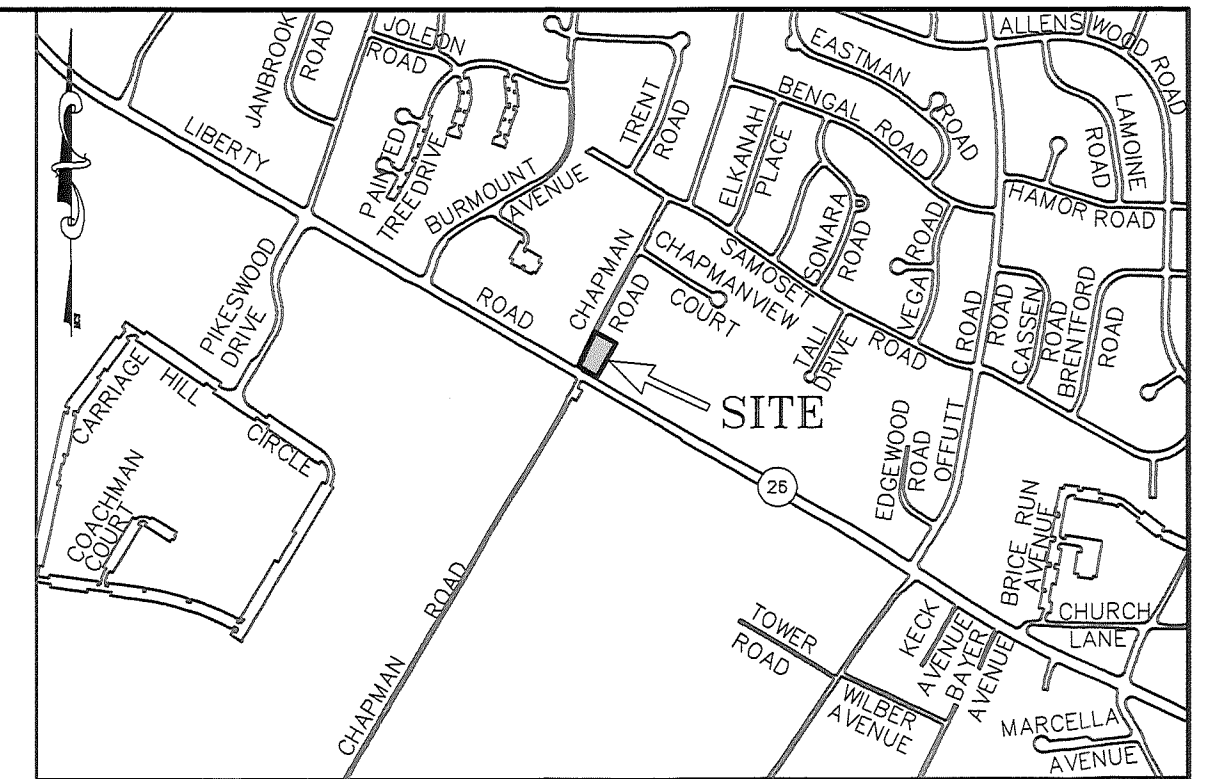
Petitioner/Developer

DW
7-11-14

Respondent

SLW
6-10-14

No. 1	Site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



VICINITY MAP

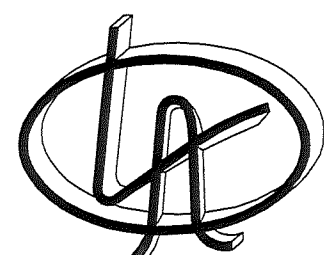
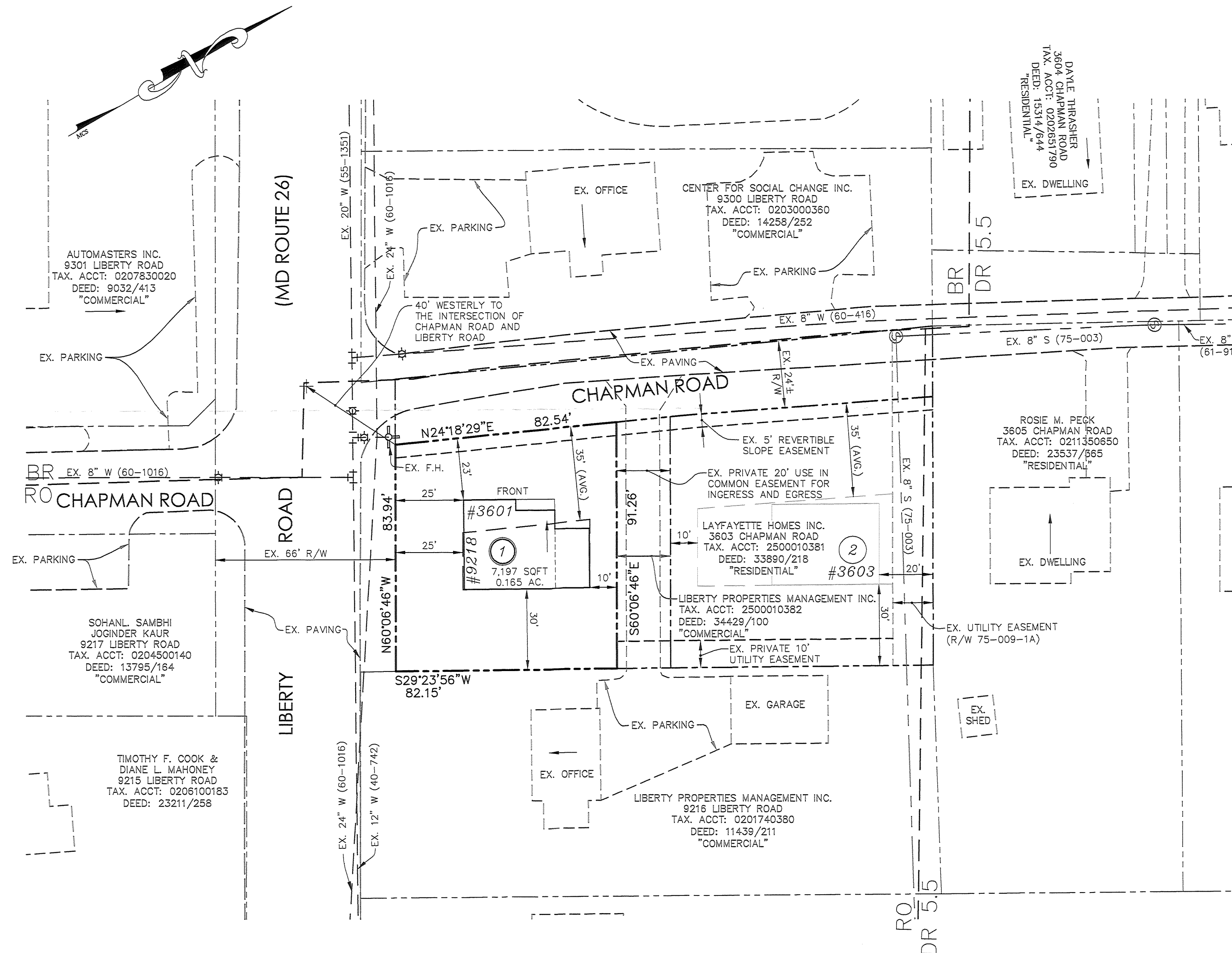
SCALE: 1"=1000'

GENERAL NOTES

1. APPLICANT/OWNER:
LAFAYETTE HOMES, INC.
6400 BALTIMORE NATIONAL PIKE
BALTIMORE, MD 21228
2. SITE LOCATION
ELECTION DISTRICT: 2
COUNCILMANIC DISTRICT: 4
WATERSHED: GWYNNS FALLS
CENSUS TRACT: 402506
DEED REFERENCES: 33890/218
TAX ACCOUNT NO.: 0201740381
TAX MAP: 77 GRID: 7 PARCEL: 38
3. PROPERTY OUTLINE IS TAKEN FROM APPROVED MINOR SUBDIVISION PLAN #05-125-M
"PROPERTY OF LIBERTY PROPERTIES MANAGEMENT, INC." PREPARED BY GERHOLD,
CROSS & ETZEL, LTD. DATED OCTOBER 11, 2005.
4. EXISTING ZONING IS RO, 200 SCALE MAP 77A1.
5. PRIOR ZONING CASES: 05-613-SPHA (8/29/05), 06-489-SPH (6/26/06).
6. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2010 BASIC
SERVICES MAPS, PURSUANT TO SECTION 4A02, BCZR.
7. THIS SITE IS NOT LOCATED IN ANY 100-YEAR FLOOD PLAIN OR WITHIN THE
CHESAPEAKE BAY CRITICAL AREA.
8. THERE ARE NO KNOWN WETLANDS, ENDANGERED SPECIES HABITATS, ARCHEOLOGICAL
OR HISTORICAL SITES, OR CONTAMINATED AREAS LOCATED ON-SITE.
9. PROPOSED USE: RESIDENCE

REQUESTED RELIEF:

VARIANCE FROM BCZR§ 303.1 TO ALLOW FOR A FRONT YARD SETBACK
OF 23' IN LIEU OF THE 35' REQUIRED DUE TO FRONT YARD AVERAGING



LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS

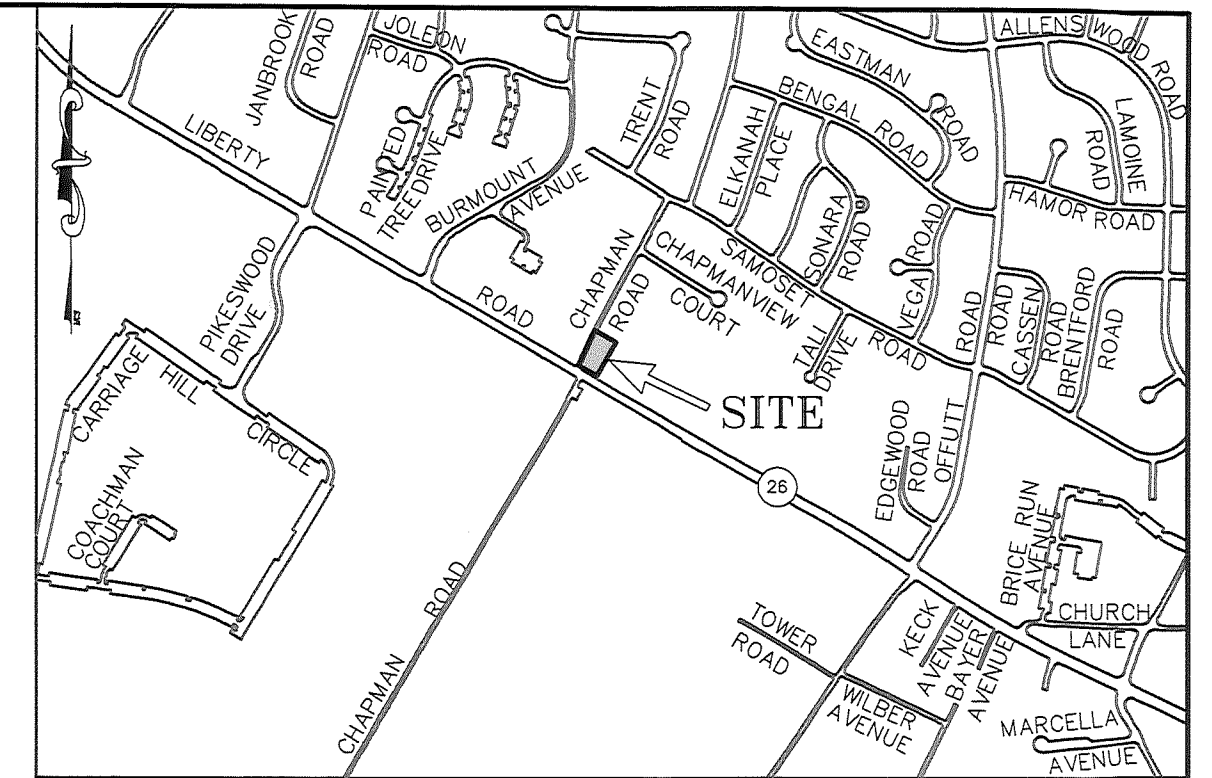
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

**PLAN TO ACCOMPANY PETITION
FOR ZONING VARIANCE
#3601 CHAPMAN ROAD**

DISTRICT 2c4
SCALE: 1"=30'

BALTIMORE COUNTY, MD
MARCH 24, 2014

#2014-0211



VICINITY MAP

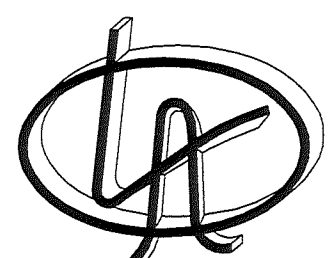
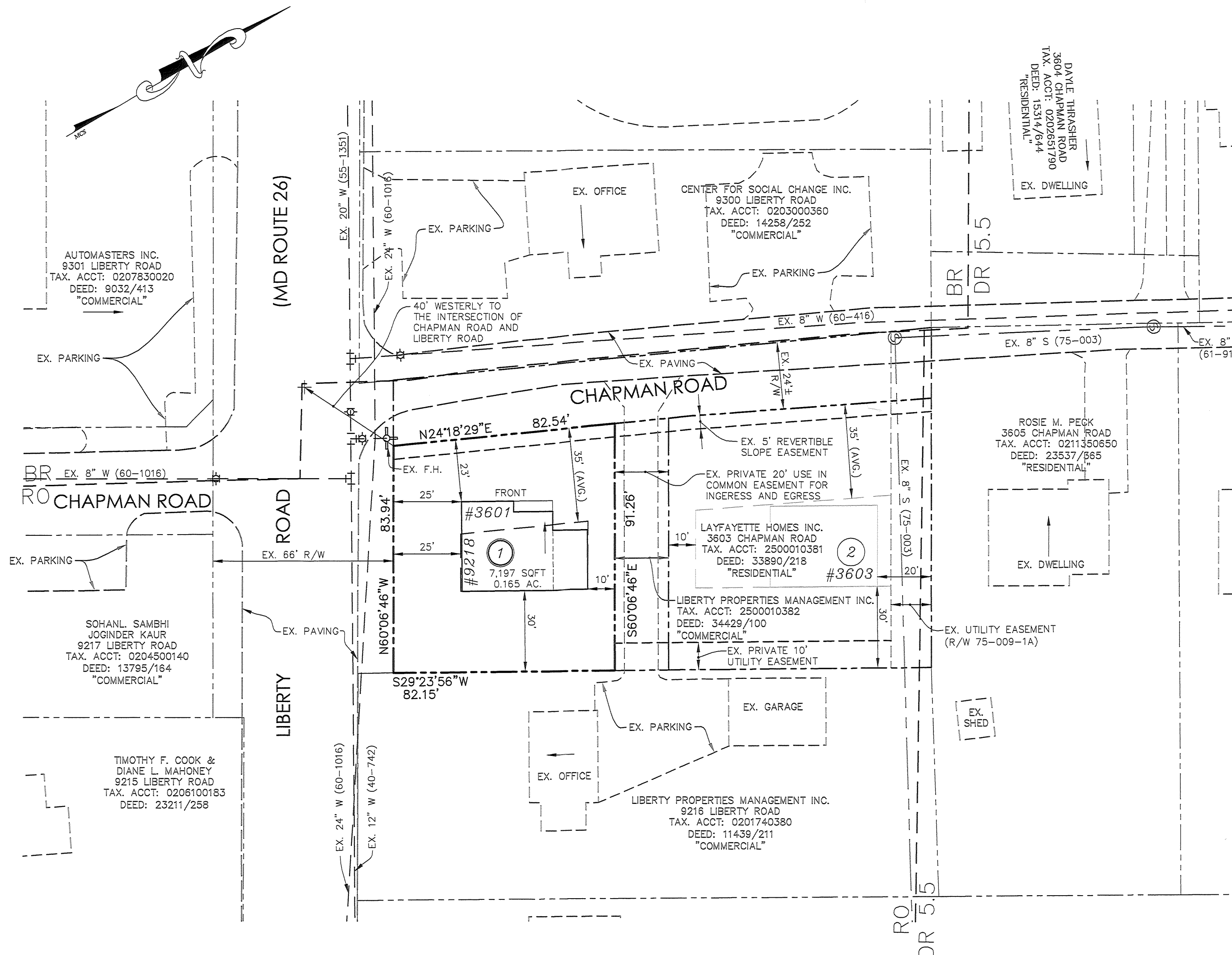
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ENGINEERS~LAND PLANNERS~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

PETITIONER'S

EXHIBIT NO. 1

PLAN TO ACCOMPANY PETITION
FOR ZONING VARIANCE
#3601 CHAPMAN ROAD

DISTRICT 2c4
SCALE: 1"=30'

BALTIMORE COUNTY, MD
MARCH 24, 2014