

KEVIN KAMENETZ County Executive

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

February 5, 2015

Henry A. and Nicole Lederer 7505 L'Hirondelle Club Road Towson, Maryland 21204

RE: Petition for Administrative Variance

Case No. 2015-0147-A

Property: 7505 L'Hirondelle Club Road

Dear Petitioners:

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,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: Laura Penza, 401 Woodbourne Avenue, Baltimore, MD 21212

IN RE: PETITION FOR ADMIN. VARIANCE * (7505 L'Hirondelle Club Road)

9th Election District 2nd Council District Henry A. and Nicole Lederer Petitioners **BEFORE THE**

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0147-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Henry A. and Nicole Lederer ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a garage in the rear yard of an existing single family dwelling with a height of 22 ft. in lieu of the required 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 14, 2015, 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 § 32-3-303 of the Baltimore County Code (B.C.C.). 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

Date	2-5-15	
Ву		

ORDER RECEIVED FOR FILING

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 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 Petitioners.

Although the Department of Planning did not make any recommendations related to the accessory structure height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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, this 5th day of February, 2015 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a garage in the rear yard of an existing single family dwelling with a height of 22 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

ORDER	RECEIVED FOR FILING	
Date	2-5-15	
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The Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
 The garage shall not be used for commercial purposes.

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

3

Administrative Law Judge for

Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

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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 7505 L'Hirondelle Club Road Currently zoned 10 Digit Tax Account # 0 9 1 2 2 0 4 0 7 0 Deed Reference_ 29067 / 00140 Owner(s) Printed Name(s) Nicole and Henry Lederer (SELECT THE HEARING(S) BY MARKING \underline{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) Section 400.3 To permit a garage in the rear yard of an existing single family dwelling with a height of 22 feet in lieu of the required 15 feet. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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 Baltimore County Code, to the development law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations.

If we agree to pay expenses of above pelition(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.

> Henry Lederer Nicole Lederer Name #2 - Type or Print Name #1 - Type or Print Signature #2 7505 L'Hirondelle Club Rd., Towson, MD Mailing Address 21204 410.427.5990 , hlederer@mileone.com

Zip Code Telephone # Email Address Representative to be contacted:

Owner(s)/Petitioner(s):

Laura Penza

Name - Type or Print

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

Name-Type or Print

BY

Signature 401 Woodbourne Ave. Mailing Address 410.435.6677 /ltpenza@penzabailey.com 21212 **Emall Address** Zip Code Email Address Telephone 1 Telephone #

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

Administrative Law Judge for Baltimore County

Filling Date 1/8/2015 Estimated Posting Date 1/18/2015 Reviewer CASE NUMBER 2015-0147- A

Rev 5/8/2014

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: 7505 L'Hirondelle Club Road. Towson, Maryland 21204 Print or Type Address of property 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) Due to Practical difficulty, we respectfully request an Administrative Variance to construct a detached accessory garage structure with a 22'-0" maximum roof height in lieu of Baltimore County maximum allowable height of 15'-0". The new detached garage roof is proposed to visually match the existing attached garage roof, which is a hip roof. The roof pitch is proposed to also match the existing, so that the property structures will be viewed as one property. Ideally, the new garage eave height will match the existing garage eave height where the two structures are closest, and where the structures will be seen together from the pool area (at the Southeast and Northeastern facades). Additionally, the existing grade has an elevation change of approximately 6'-0" across the rear of the property. The northern facades will be approximately 6'-0" taller, due to the existing grade changes. (if additional space for the petition request or the above statement is needed, label and attach it to this Form) Signature of Owner (Affiant) Signature of Owner (Affiant) Henry Lederer Name- Print or Type 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: day of VANVARY, 2015, before me a Notary of Maryland, in I HEREBY CERTIFY, this and for the County aforesaid, personally appeared: Print name(s) here: the Affiant(s) herein, personally known or satisfactorily-identified to me as such Affiant(s). AS WITNESS my hand and Notaries Seal Motary Public (MINEIA BOLDHO, COMMISSIONED AS MIREIA MARIA YAMAMOTO Notary Public-Maryland MUGUST 17,2015 Baltimore County My Commission Expirés My Commission Expires

August 17, 2015

REV. 5/8/2014

2015-0147-A

ZONING PROPERTY DESCRIPTION 7505 L'Hirondelle Club Road Towson, Maryland 21204

Beginning at a point on the southeast corner of the property, in the center of L'Hirondelle Club Road, which is 17 feet wide at the distance of 3,300 feet southwest of the nearest improved intersecting street at Ruxton Road, which is approximately 21 feet wide. Refer to Site Plan for property metes and bounds.

Recorded in Baltimore County, this property is zoned DR-1, and is located in the 9th

Election District and the 2 Gouncil District. The property land area is 1.56 acres.

Beginning for the same at the beginning of that land described in a deed dated July 22, 2004 and recorded among the Land Records of Baltimore County in Liber S.M. 20908 folio 459 was conveyed by Henry A. Lederer, IV and Amy Elizabeth Sommers Lederer unto Henry A. Lederer, IV; thence binding on the first through eighth lines of said deed the following eight courses and distances: (1) South 13 degrees 01 minutes East 67.21 feet; thence (2) South 54 degrees 55 minutes Hast 39 feet; thence (3) South 31 degrees 26 minutes East 35 feet; thence (4) South 56 degrees 17 minutes West 35 feet; thence (5) South 38 degrees 37 minutes West 55 feet; thence (6) North 79 degrees 20 minutes West 10.04 feet; thence (7) South 32 degrees 20 minutes West 120.5 feet; and thence (8) South 85 degrees 13 minutes Bast 18.56 feet to the beginning of that land described in a deed dated May 21, 1987 and recorded among the Land Records of Baltimore County in Liber S.M. 7548 folio 334 was conveyed by Juliana Clark Watts unto T. Edmund J. Watts; thence binding on the ninth line of said deed S.M. 20908 folio 459 and also on the first line of said deed S.M. 7548 folio 334 (9) North 72 degrees 55 minutes Bast 201.66 feet; thence binding on part of the tenth line of said deed S.M. 20908 folio 459 and also on all of the second line of said deed S.M. 7548 folio 334 (10) North 83 degrees 26 minutes East 94.16 feet to the center of a twenty foot rightof-way described in a deed dated September 24, 1941 and recorded among the Land Records of Baltimore County in Liber C.H.K. 1190 folio 79; thence binding on the third and fourth lines of said deed S.M. 7548 folio 334 and also binding in the center of said twenty foot right-of-way the following two courses and distances: (11) South 54 degrees 20 minutes Bast 17 feet; and thence (12) South 83 degrees 10 minutes Bast 27.79 feet; thence leaving the outline of said deed S.M. 7548 folio 334, continuing to bind the center of said twenty foot right-of-way and running for new lines of division now made in May of 2009, in, through, over and across that land described in a deed dated February 26, 1999 and recorded among the Land Records of Baltimore County in Liber S.M. 13610 folio 591 was conveyed by William H. Bissell, Jr. and Jane B. Bissell unto Philip L. Smith, II and Lynn K. Smith the following three courses and distances: (13) South 83 degrees 10 minutes Bast 9.40 feet; thence (14) South 70 degrees 48 minutes Bast 40.46 feet; and thence (15) South 57 degrees 57 minutes Bast 50 feet to the end of the third or South 27 degrees 31 minutes Bast 73.71 foot line of said deed S.M. 13610 folio 591; thence binding reversely on said third line (16) North 27 degrees 31 ramutes West 73.71 feet to the beginning of the eleventh line of said deed S.M. 20908 folio 459; thence binding on the eleventh through fifteenth lines of said deed S.M. 20908 folio 459 the following five courses and distances: (17) North 26 degrees 58 minutes 33 seconds
West 43.20 feet; thence (18) North 31 degrees 43 minutes West 100 feet; thence (19) North 35 degrees 21
minutes West 50 feet; thence (20) North 45 degrees 34 minutes West 50.35 feet; and thence (21) North 85 degrees 47 minutes West 218.80 feet to the place of beginning. Containing 1.56 acres of land, more or

Additional Baltimore County Data: GIS Map Tile Number (200 scale) = 069B2 GIS Map Tile Number (600 scale) = 69 Grid = 0015Parcel = 0955 Key Sheet = One Position Sheet = 35NW 7 Old ADC Map Grid 26G7, 26G8

Property Description Information compiled by Penza Bailey Architects January 08, 2015

2015-0147-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 1/13/2015

Case Number: 2015-0147-A

Petitioner / Developer: NICOLE & HENRY LEDERER

Date of Hearing (Closing): FEBRUARY 2, 2015

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:

7505 L'HIRONDELLE CLUB ROAD

The sign(s) were posted on: JANUARY 14, 2015



Linda O Keife
(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster)

 $\frac{410-666-5366}{\text{(Telephone Number of Sign Poster)}}$



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 3, 2015

Henry & Nicole Lederer 7505 L'Hirondelle Club Road Towson MD 21204

RE: Case Number: 2015-0147 A, Address: 7505 L'Hirondelle Club Road

Dear Mr. & Ms. Lederer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 8, 2015. 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,

U. Carl Richal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Laura Penza, 401 Woodbourne Avenue, Baltimore MD 21212

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



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

Date: 1/14/15

Ms. Kristen Lewis Baltimore County Office of Permits and Development Management

County Office Building, Room 109 Towson, Maryland 21204

Baltimore County RE:

Item No 2015-0147-A
Administrative Variance
Henry & Nicole Ledever
1505 L'Hirondello Club Rad

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. 2015-0147-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: January 14, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 19, 2015

Item No. 2015-0140, 0141, 0143, 0144, 0146 and 0147

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\ZAC01192015 -.doc

MEMORANDUM

DATE:

March 10, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0147-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 9, 2015. 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

CASE NO. 2015-	0107-1	
CASE NO. 2015-	014-1-A	

CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment				
1-14	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NO				
·	DEPS (if not received, date e-mail sent)	· .				
1	FIRE DEPARTMENT					
	PLANNING (if not received, date e-mail sent)					
1-14	STATE HIGHWAY ADMINISTRATION	A dietion				
	TRAFFIC ENGINEERING					
***********************	COMMUNITY ASSOCIATION					
1	ADJACENT PROPERTY OWNERS					
ZONING VIOLATI	ION (Case No)				
PRIOR ZONING	(Case No.					
NEWSPAPER ADV	VERTISEMENT Date:					
SIGN POSTING	Date: 1-14	by O Kaele				
PEOPLE'S COUNS	EL APPEARANCE Yes No DEL COMMENT LETTER Yes No DEL					
Comments, if any: _						

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

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Baltimore County

District: 09 Account Number: 0912204070

New Search (http://sdat.resiusa.org/RealProperty)



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/)

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http://sdat.resiusa.org/realproperty/maps/showmap.html?countyid=04&accountid=09+0912... 2/3/2015

BALTIMORE COUNTY DETERTMENT OF PERMITS, APPROVA'S AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2015-0147 -A Address 7505 L'Hirondelle Club Roo
Contact Person: Leonari Wesilcuski Phone Number: 410-887-3391
Filing Date: 1/8/15 Posting Date: 1/8/15 Closing Date: 2/2/15 Any contact made with this office regarding the status of the administrative variance should be
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. <u>DEADLINE:</u> 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.
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.
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 2015- 0147 -A Address 7505 L'Hirondelle Club Koad
Petitioner's Name Nicole + Henry Lederer Telephone 410-427-5990
Posting Date: $1/18/15$ Closing Date: $2/2/15$
Vording for Sign:
To permit a garage in the rear yard of an existing single family with a height of 22

Revised 7/18/14

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW









A. EXISTING RESIDENCE B. EXISTING GARAGE

C. EXISTING GARAGE

D. EXISTING POOL EQUIPMENT STORAGE (RIGHT SHED)









E. ADJACENT NEIGHBOR GARAGE (RIGHT SIDE) - 26'-0" HIGH

F. AREA OF PROPOSED CHANGES

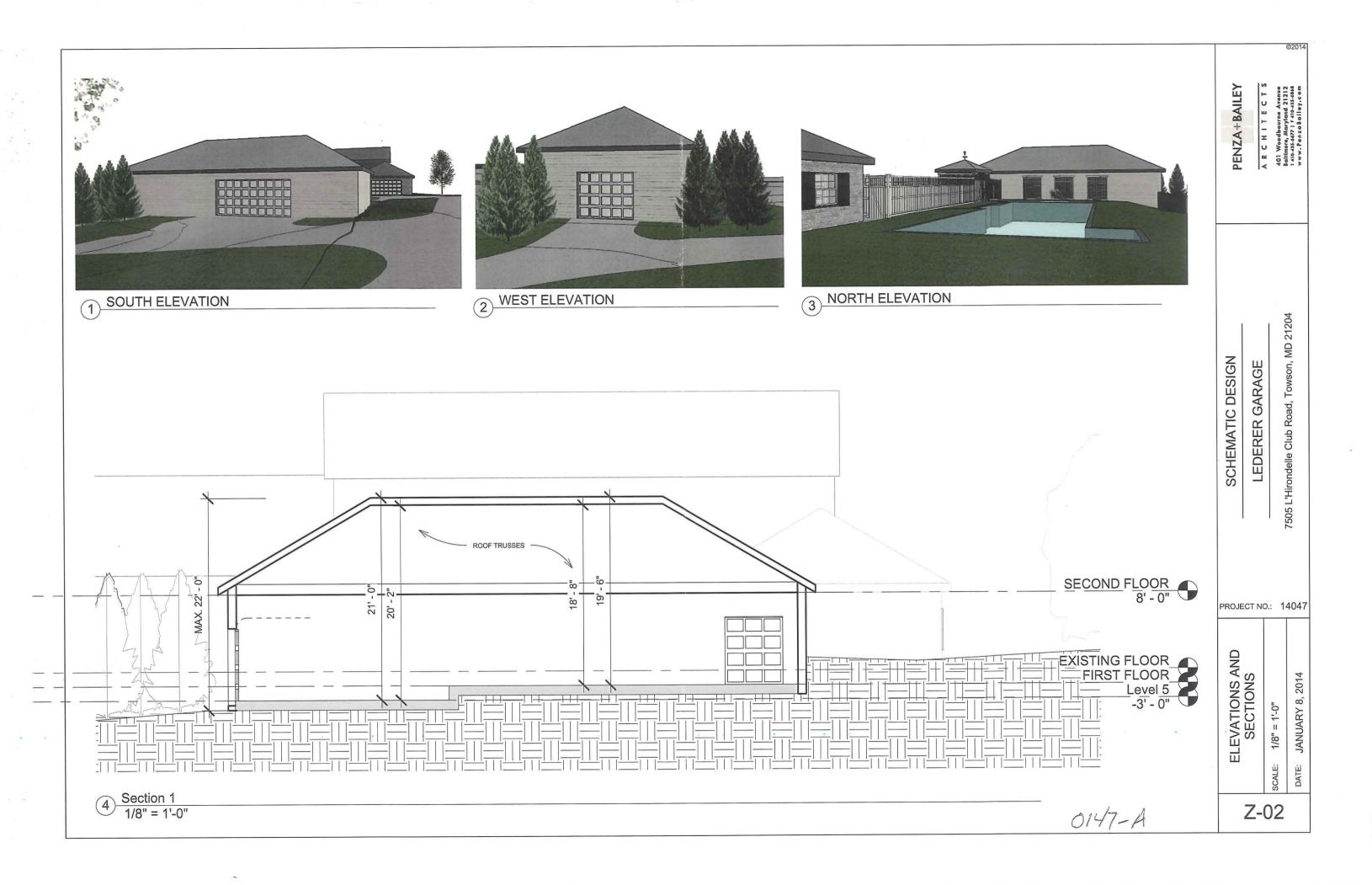
G. AREA OF PROPOSED CHANGES

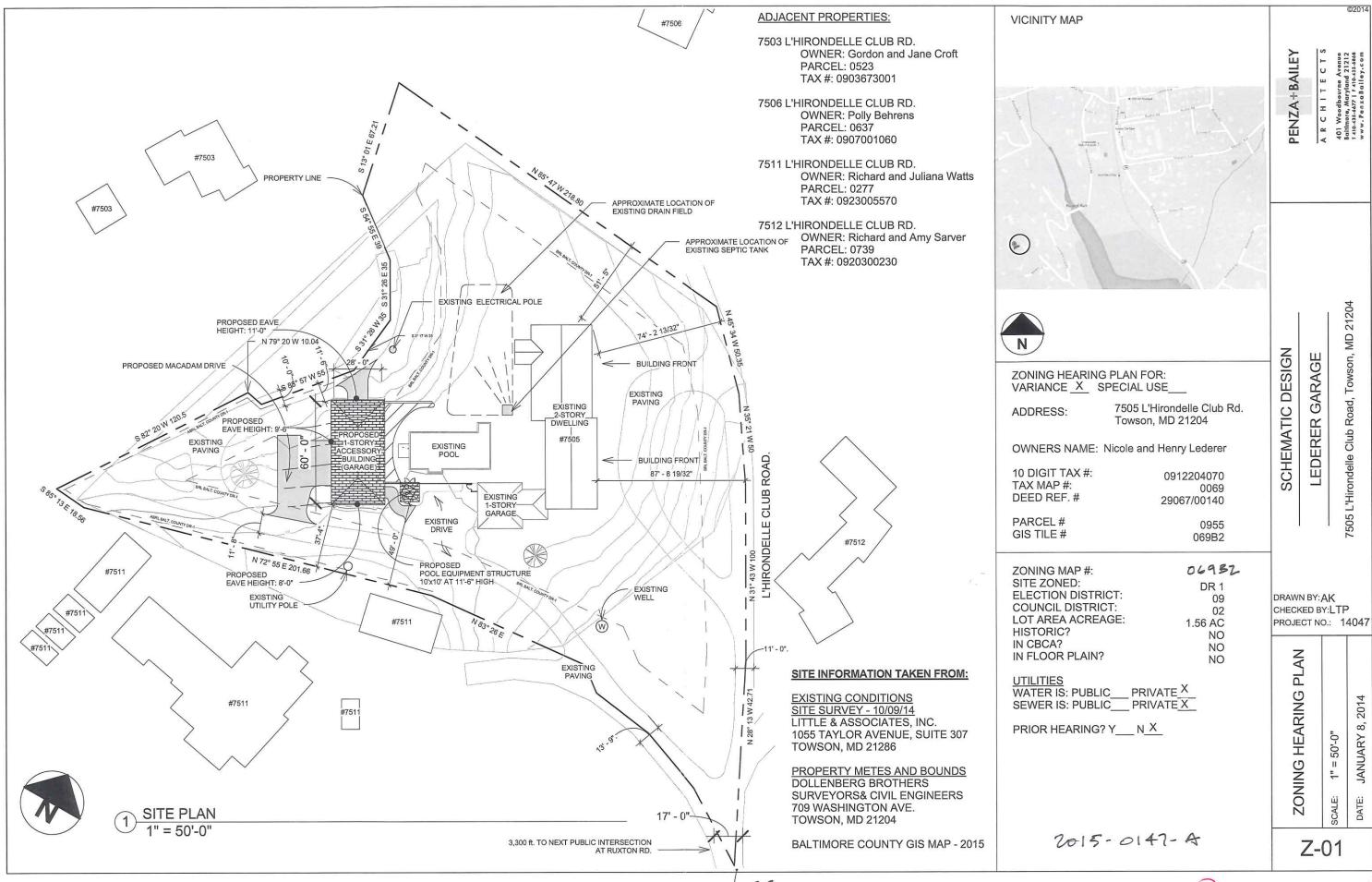
H. AREA OF PROPOSED CHANGES

7505 L'Hirondelle Club Road, Towson, MD 21204 SCHEMATIC DESIGN LEDERER GARAGE PROJECT NO.: 14047 SITE PHOTOS **Z-03**

PENZA+BAILEY

0147-A





Pet. Exa. 1

