

MEMORANDUM

DATE: September 9, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0295-A – Appeal Period Expired

The appeal period for the above-referenced case expired on September 5, 2016. 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

IN RE: PETITION FOR VARIANCE

(8347 Tally Ho Road)

8th Election District

2nd Council District

Brian C. & Rachel M. Bauder

Legal Owners

Petitioners

*

BEFORE THE

*

OFFICE OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2016-0295-A

* * * * *

OPINION AND ORDER

This matter (which originated as a petition for an administrative variance) comes before the Office of Administrative Hearings (OAH) as a Petition for Variance upon a request for hearing filed by the Seminary Ridge Owner's Association (the "Association"). The Petition references B.C.Z.R. § 1B02.3.B, and seeks variance relief to permit a garage addition with a side yard setback of 6' in lieu of the required 15'. The subject property is shown on Plat Four of Seminary Ridge, which was approved by the Planning Board on March 9, 1970. The plat was recorded among the land records of Baltimore County on March 12, 1970. Since the Petitioners' lot is within a "recorded residential subdivision," the Regulations specify that the applicable yard widths are those in effect at the time the plan was approved by the Planning Board in 1970. B.C.Z.R. §§1B02.3.A.1 & 1B02.3.B.

The Association believes the applicable standard requires a minimum 30' setback from side building face to side building face in the D.R.2 zone. After discussions between the parties, Petitioners agreed to amend their request, and now seek approval for a 27' side building face to side building face setback in lieu of the required 30'. In a letter dated July 7, 2016, the Association indicated it supports the "amended request for the variance of 27' in lieu of the required 30'."

ORDER RECEIVED FOR FILING

Date

8-5-16

By

slu

Having reviewed the Regulations, I believe both standards are applicable. The applicable side yard setback is found at B.C.Z.R. (1964 Ed.) §205.3, which required a 15' side yard for dwellings in the R.20 zone, the predecessor to the D.R.2 zone. This regulation was in effect at the time the Planning Board approved the Seminary Ridge plat in 1970. The 30' building face setback is found in the C.M.D.P., p.36. The Regulations specify that for existing developments such as this one "similar standards" codified under Section 504 (i.e., the C.M.D.P.) would be applicable. The C.M.D.P. does not prescribe a side yard setback standard, only the side building face setback. Since these are not contradictory or mutually exclusive requirements, I believe both should be observed under B.C.Z.R. §1B02.3.B.

Turning to the specifics of this matter, the subject property is approximately 18,762 square feet and is zoned D.R. 2. As shown on the site plan (Petitioners' Ex. 1), the property is improved with a single-family dwelling, and Petitioners propose to construct a garage addition on the side of the dwelling.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity necessitates variance relief; and
- (2) If variance relief is denied, petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The subject property has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the garage addition. 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

ORDER RECEIVED FOR FILING

Date 8-5-16

By sen

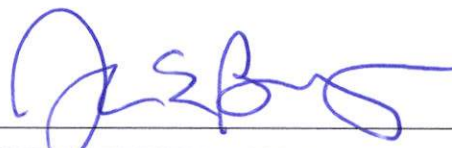
demonstrated by the lack of Baltimore County and/or community opposition. It appears the neighboring dwelling at 8349 Tally Ho Road is situated 20' from the boundary with the subject property. As such, and to satisfy the agreed-upon 27' building face setback, the side yard variance will be granted for 7' in lieu of the required 15'.

THEREFORE, IT IS ORDERED, this 5th day of August, **2016**, by this Administrative Law Judge, that the Petition for Variance to permit a garage addition with a side yard setback of 7 feet in lieu of the required 15 feet, and with a side building face to side building face setback of 27 feet in lieu of the required 30 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.

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

ORDER RECEIVED FOR FILING

Date 8-5-16

By sln



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property

located at 8347 Tally Ho Road, Lutherville-Timonium, MD 21093

which is presently zoned DR 2

Deed Reference: /36214 /00268 Tax Account # 1600001292

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)

1B02.3B 1963 to 1971 Regulations Sec. 205.3

To permit a garage addition with a side yard setback of 6 feet in lieu of the required 15 feet.

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 Administrative 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):

Brian C Bauder
Name - Type or Print _____
Signature Brian C Bauder
Rachel M Bauder
Name - Type or Print _____
Signature Rachel Bauder
8347 Tally Ho Road
Address _____ Telephone No. _____
Lutherville-Timonium MD 21093
City _____ State _____ Zip Code _____

Representative to be Contacted:

Carl Dyhrberg
Name _____
1619 Mussula Road (443) 465 6899
Address _____ Telephone No. _____
Towson 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. 2016-0295-A

Reviewed By [Signature] Date 5/23/16

Estimated Posting Date 6/5/16

FRM476_09

ORDER RECEIVED FOR FILING ^{Rev 3/09}

Date 8-5-16

By [Signature]

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 own and reside at 8347 Tally Ho Road
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed) We wish to convert our existing single carport that complies with the zoning regulations into a 22' x 20' Double Garage. At present the non-complying West side yard measures 16.0' with a further 20.0' to the neighboring property. After construction there will be a 10' change in the above measurements and the non-compliance with the required 20.0' will become 6.0'. This hardship is peculiar to our property in contrast with other properties in the zoning district because of its "pie shape" and non-compliance with the 100' minimum lot width (76.41 Arch length) and is not the result of our own actions. Failure to grant this request for a variance would also result in the failure of our ability to make a reasonable use of our property.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Brian C Bauder
Signature

Rachel Bauder
Signature

Brian C Bauder
Name- print or type

Rachel M Bauder
Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 13 day of MAY, 16, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): BRIAN C. BAUDER AND RACHEL M. BAUDER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

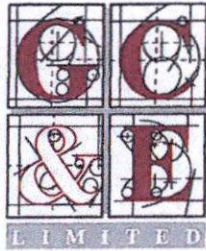
AS WITNESS my hand and Notarial Seal

Tammy N. Zhang 11/3/19
Name of Notary Public Commission expires

PLACE SEAL HERE:

0295-A

866 910 7418
per hour
of 4



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286

Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

May 9, 2016

Zoning Description #8347 Tally Ho Road

Beginning at a point on the southeast side of Tally Ho Road, 50 feet wide, at the distance of 835 feet, more or less, northeasterly from the center of Lochmoor Court, 50 feet wide, being Lot 2, Block F, in the subdivision of "Plat Four, Seminary Ridge" as recorded in Baltimore County Plat Book #34, Folio 15. Containing 22,789 square feet or 0.523 acres of land, more or less. Located in the 8th Election District and 2nd Councilmanic District, Baltimore County, Maryland.



License expires/renews 2/26/17

2016-0295-A



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4303763

Sold To:

Brian Bauder - CU00548398
8347 Tally Ho Rd
Lutherville Timonium, MD 21093-4723

Bill To:

Brian Bauder - CU00548398
8347 Tally Ho Rd
Lutherville Timonium, MD 21093-4723

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jul 12, 2016

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2016-0295-A
8347 Tally Ho Road
SE/s Tally Ho Road, 835 ft. NE of centerline of Lochmoor Court
8th Election District - 2nd Councilmanic District
Legal Owner(s) Brian & Rachel Bauder

Variance: to permit a garage addition with a side yard setback of 6 ft. in lieu of the required 15 ft.

Hearing: Monday, August 1, 2016 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 7/661 July 12 4303763

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 7/12/2016

Case Number: 2016-0295-A

Petitioner / Developer: MR. & MRS. BAUDER ~ CARL DYHRBERG

Date of Hearing (Closing): AUGUST 1, 2016

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:
8347 TALLY HO ROAD

The sign(s) were posted on: JULY 9, 2016



Linda O'Keefe
(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)

410 - 666 - 5366
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 6/5/2016

Case Number: 2016-0295-A

Petitioner / Developer: BRIAN & RACHEL BAUDER ~
CARL DYHRBERG of C.D. DESIGN CONSULTANTS

Date of Hearing (Closing) : JUNE 20, 2016

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:
8347 TALLY HO ROAD

The sign(s) were posted on: JUNE 5, 2016



Linda O'Keefe

(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)

410 – 666 – 5366

(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive
June 28, 2016

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

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2016-0295-A

8347 Tally Ho Road
SE/s Tally Ho Road, 835 ft. NE of centerline of Lochmoor Court
8th Election District – 2nd Councilmanic District
Legal Owners: Brian & Rachel Bauder

Variance to permit a garage addition with a side yard setback of 6 ft. in lieu of the required 15 ft.

Hearing: Monday, August 1, 2016 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 the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Bauder, 8347 Tally Ho Road, Lutherville 21093
Carl Dyhrberg, 1619 Mussala Road, Towson 21286
Seminary Ridge Owner's Assoc., P.O. Box 1182, Brooklandville 21022

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 12, 2016.**
- (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, July 12, 2016 Issue - Jeffersonian

Please forward billing to:

Brian Bauder
8347 Tally Ho Road
Lutherville-Timonium, MD 21093

443-465-6899

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2016-0295-A

8347 Tally Ho Road

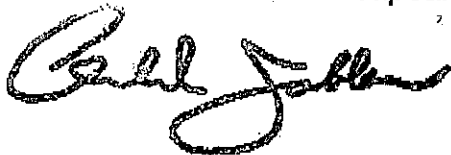
SE/s Tally Ho Road, 835 ft. NE of centerline of Lochmoor Court

8th Election District – 2nd Councilmanic District

Legal Owners: Brian & Rachel Bauder

Variance to permit a garage addition with a side yard setback of 6 ft. in lieu of the required 15 ft.

Hearing: Monday, August 1, 2016 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 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.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0295 -A

Address 8347 Tolly Ho Road

Contact Person: _____

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5/24/16

Posting Date: 6/5/16

Closing Date: 6/20/16

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 2016- 0295 -A

Address 8347 Tolly Ho Road

Petitioner's Name Brian & Rachel Boudier

Telephone 443-465-6899

Posting Date: 6/5/16

Closing Date: 6/20/16

Wording for Sign: _____

To permit a garage addition with a side yard setback of 6 feet in lieu of the _____
required 15 feet.

Revised 7/9/15

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

No. **139278**

Date: **5/24/16**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 5/25/2016 5/24/2016 09:31:27 2

REC W602 MAIL JEE
 > RECEIPT # 966920 5/24/2016 GFLM

Dept 5 528 ZONING VERIFICATION
 CK NO. 139278

Recpt Tot \$150.00
 \$150.00 CK \$0.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
601	806	0000		6150				150.00

Total: **150.00**

Rec
 From:

For: **347 T.H. Ho RD**
21073
5839 Loreley Beach Rd **2016-0295-A**
2016-0296-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

July 27, 2016

Brian C & Rachel M Bauder
8347 Tally Ho Road
Lutherville-Timonium MD 21093

RE: Case Number: 2016-0295 A, Address: 8347 Tally Ho Road

Dear Mr. & Ms. Bauder:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 23, 2016. 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: jaw

Enclosures

c: People's Counsel
Carl Dyhrberg, 1619 Mussula Road, Towson MD 21286

Larry Hogan, *Governor*
Boyd K. Rutherford, *Lt. Governor*



Pete K. Rahn, *Secretary*
Gregory C. Johnson, P.E., *Administrator*

Date: 6/1/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2016-0295-A.

*Administrative Variance
Brien C. & Rachel M. Bauder
8347 Tally Ho Road.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

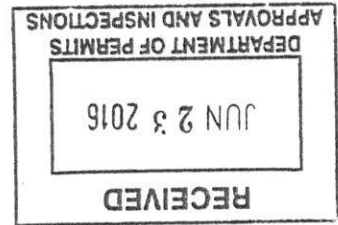
Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Zeller'.

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE



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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 3, 2016
Item No. 2016-0293, 0294, 0295, 0296 and 0297

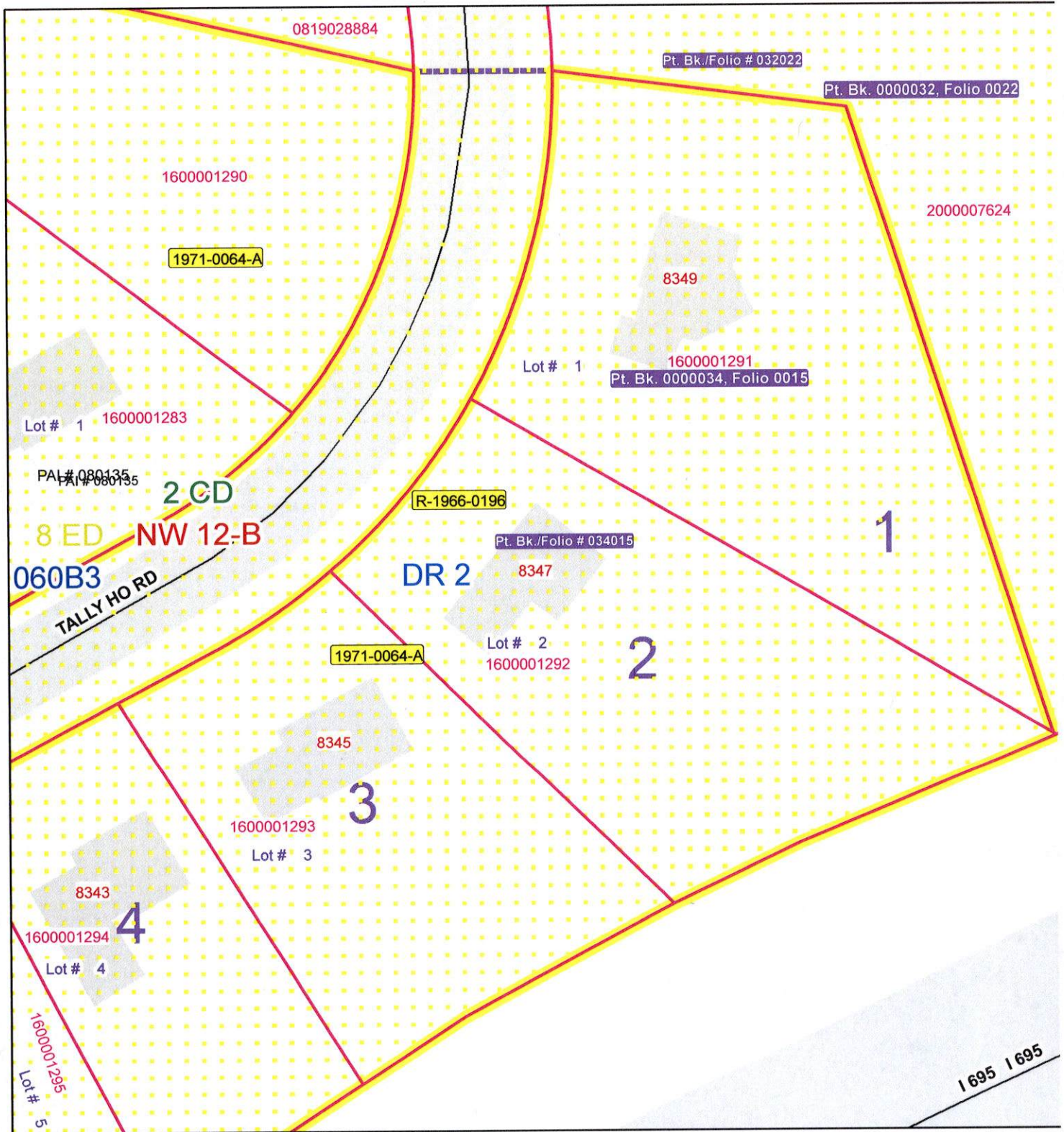
DATE: June 13, 2016

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\ZAC06032016.doc

8347 Rally Ho Road 2010-0295-A



Publication Date: 5/24/2016



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



0 12.5 25 50 75 100 Feet

1 inch = 50 feet



0819028884

Pt. Bk./Folio # 032022

Pt. Bk. 0000032, Folio 0022 2000007624

1600001290

1971-0064-A

PAI # 080135

1600001283

Lot # 1

8344

NW 12-B

060B3

2 CD

DR 2

PAI # 080135

Lot # 1

1600001291

Pt. Bk. 0000034, Folio 0015

R-1966-0196

8347

Pt. Bk./Folio # 034015

1600001292

Lot # 2

1971-0064-A

8345

1600001293

Lot # 3

8343

Lot # 4

1600001294

1600001295

Lot # 5

1600001296

I 695

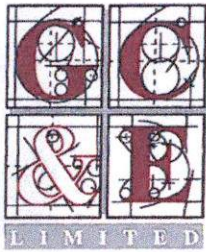
I 695

I 695

I 695

DR 3.5

I 695



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286

Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

May 9, 2016

Zoning Description #8347 Tally Ho Road

Beginning at a point on the southeast side of Tally Ho Road, 50 feet wide, at the distance of 835 feet, more or less, northeasterly from the center of Lochmoor Court, 50 feet wide, being Lot 2, Block F, in the subdivision of "Plat Four, Seminary Ridge" as recorded in Baltimore County Plat Book #34, Folio 15. Containing 22,789 square feet or 0.523 acres of land, more or less. Located in the 8th Election District and 2nd Councilmanic District, Baltimore County, Maryland.



License expires/renews 2/26/17

2016-0295-A



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2016-0295-A

Address: 8347 Tally Ho Road

Petitioner(s): Rachel + Brian Bander

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Seminary Ridge Owners Association
Name - Type or Print

() Legal Owner OR () Resident of

Address

City

State

Zip Code

Telephone Number

which is located approximately N/A feet from the
property, which is the subject of the above petition, **do hereby
formally demand that a public hearing be set in this matter.**

**ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.**

[Signature] for Raven Morris, Pres.
Signature

Date 6/20/16

Signature

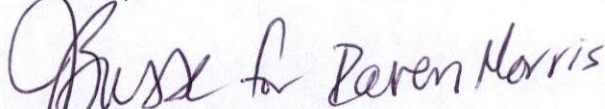
Revised 9/18/98 - wcr/scj

Date

#6000 6/20/16 #141469

With this letter, a member of our Covenants Committee is submitting the required form and \$50⁶⁰ fee so as to request a hearing on the above referenced Administrative Variance request. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "Russ L. Raven Morris". The signature is fluid and cursive, with the first name "Russ" being the most prominent.

Raven Morris,
President

cc: Mr. and Mrs. Bauder – 8347 Tally Ho Road
Seminary Ridge Owners Association Covenant Committee Members

Seminary Ridge Owners Association
P.O. Box 1182
Brooklandville, MD 21022
410-746-1199
ravenamorris@gmail.com

June 20, 2016

Via Hand Delivery

Mr. Arnold Jablon,
Director
Baltimore County Permits, Approvals & Inspections
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Request for zoning hearing
Administrative Variance Case # 2016-0295-A
8347 Tally Ho Road

Dear Mr. Jablon:

I serve as the President of the Seminary Ridge Owners Association. Our association comprises 167 residences located in Lutherville. Every homeowner of a residence in Seminary Ridge becomes a legal member of the Association upon the purchase of a residence in accordance with the Covenants and Restrictions as recorded in the Land Records of Baltimore County.

We are aware of Rachel and Brian Bauders' request for an Administrative Variance to construct a garage addition to their home and have been in conversations with them in this regard. The Bauders are aware that they cannot construct any exterior addition without approval from the Association's Covenants Committee and they were planning to seek approval from the Covenants Committee after obtaining the requested zoning variance. The Association is concerned about the perception of a precedent being set if this variance is granted however, and therefore approached the Bauders once the Administrative Variance sign was posted and have been in communication with the Bauders since June 6th.

After careful consideration, the Covenants Committee determined it would not approve an application proposing construction on this lot as close to the property line as shown on the plat accompanying the administrative variance request. Therefore, the Covenants Committee informed the Bauders of this decision and requested they reconsider their request and submit an application to the Committee involving a redesign that does not require this instant relief.

For all of the above reasons, we are hereby requesting a hearing on this request. Between now and the hearing date your office assigns, we will continue to communicate with the Bauders and hopefully the process will have resulted in an approval by the Covenants Committee by that date.

8-1-16

Rachel and Brian Bauder
8347 Tally Ho Road
Rachel.Bauder87@gmail.com

July 6, 2016

RECEIVED

JUL 21 2016

Sent Via First Class Mail

Honorable John E. Beverungen
Administrative Law Judge for Baltimore County
Office of Administrative Hearings
105 W. Chesapeake Avenue
Suite 103
Towson, Maryland 21204

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Administrative Variance Case # 2016-0295-A
8347 Tally Ho Road

Dear Judge Beverungen:

We own and live at 8347 Tally Ho Road in Lutherville. We filed a Petition for Administrative Variance to permit an addition to our carport – we desire to enclose it and enlarge it so as to have an enclosed garage. After addressing concerns raised by our neighbors and the Covenants Committee of our homeowners association, we are now amending our request to permit a greater setback from that which was initially requested. The relief we now seek is for a variance of 27' in lieu of the required 30' for side building face to side building face per Baltimore County Zoning Regulations Section 1B01.2.C.1.b.

Unfortunately, our negotiations were not completed before the hearing in this matter was scheduled. The hearing is set for August 1st at 1:30 p.m. We, along with a representative of the Seminary Ridge Covenants Committee, will attend the hearing to respectfully request you approve our amended request. Thank you in advance for your consideration of this matter.

Sincerely,



Rachel and Brian Bauder

cc: Seminary Ridge Owners Association Covenant Committee Members and Board President

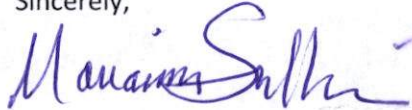
Honorable John E. Beverungen

July 7, 2016

Page 2

Unfortunately, our negotiations were not completed before the hearing in this matter was scheduled. The hearing is set for August 1st at 1:30 p.m. A representative of the Committee will attend the hearing to restate our position and request you approve the Bauders' amended request.

Sincerely,



Marianne Sullivan,
Chair of the Seminary Ridge Covenants Committee

cc: Mr. and Mrs. Bauder – 8347 Tally Ho Road
Seminary Ridge Owners Association Covenant Committee Members and Board President

MS 8-1-16 @ 1:30 PM
("Formal Demand")
AV 6-20-16

Seminary Ridge Owners Association Covenants Committee
P.O. Box 1182
Brooklandville, MD 21022
covenants@seminary-ridge.org

July 7, 2016

Sent Via First Class Mail

Honorable John E. Beverungen
Administrative Law Judge for Baltimore County
Office of Administrative Hearings
105 W. Chesapeake Avenue
Suite 103
Towson, Maryland 21204

RECEIVED

JUL 11 2016

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Administrative Variance Case # 2016-0295-A
8347 Tally Ho Road

Dear Judge Beverungen:

I serve as the Chair of the Seminary Ridge Owners Association Covenants Committee. Our committee members have worked closely with Rachel and Brian Bauder regarding the above referenced petition for a variance for their property to permit them to construct a garage addition. The Bauders have graciously agreed to amend their request and I am pleased to report that the Association is able to support their amended request. The relief they now seek is for a variance of 27' in lieu of the required 30' for side building face to side building face per Baltimore County Zoning Regulations Section 1B01.2.C.1.b.¹

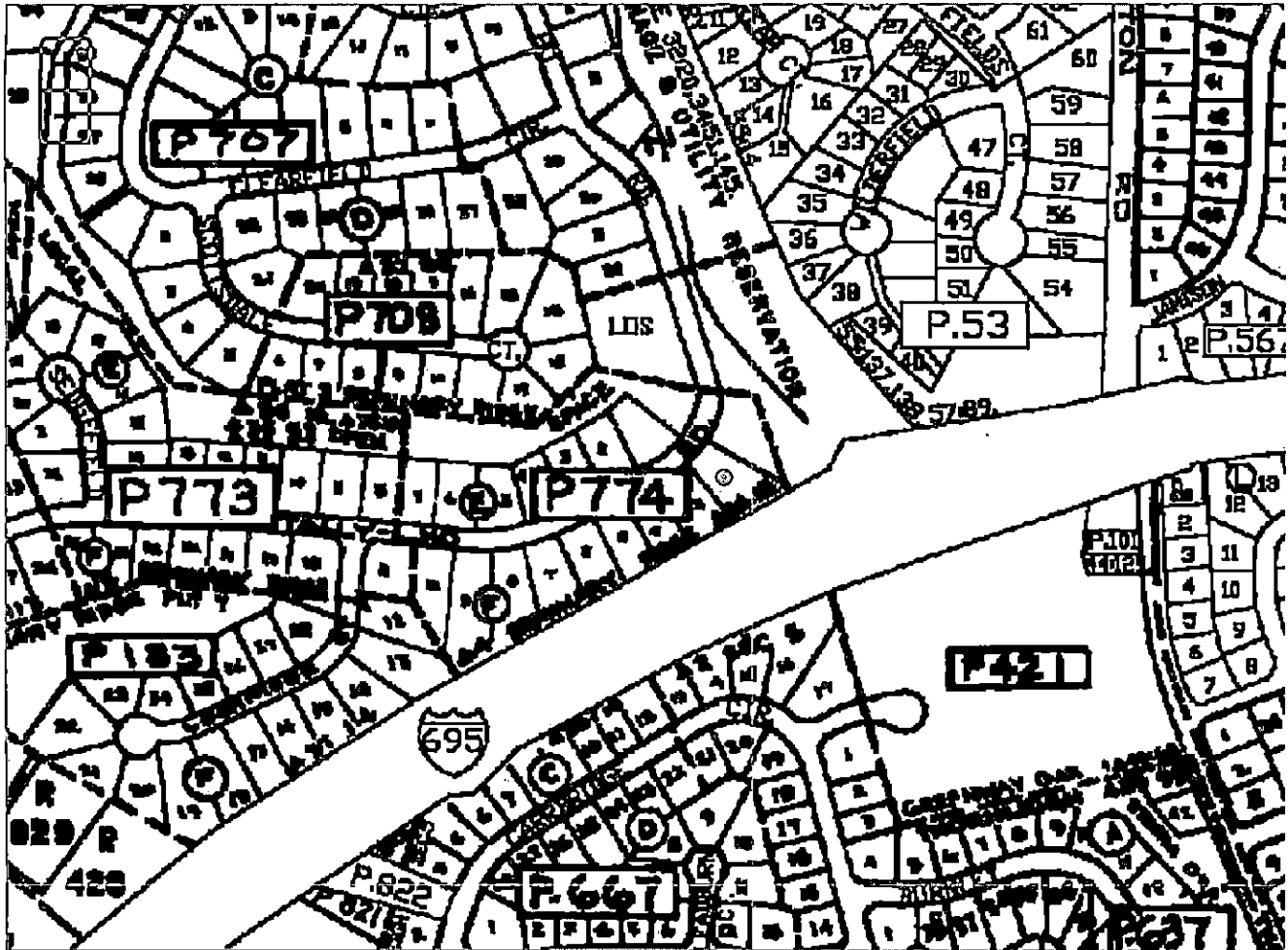
All homes within Seminary Ridge are subject to the Restrictive Covenants recorded in Land Records. The Covenants Committee, on behalf of the Association, is tasked with approving all external modifications. After careful consideration, the Covenants Committee determined it was opposed to the zoning relief previously requested (that which was initially filed). The Committee determined that it would not approve an application proposing an addition to the house on this lot as close to the property line as was shown on the plat initially submitted with the variance request. Thereafter, the Committee worked with the Bauders and as stated above, the Committee is now writing in support of the amended request for the variance of 27' in lieu of the required 30'.

¹ The relief requested was erroneously characterized due to a misunderstanding on behalf of the Bauders' consultant regarding the correct interpretation of the zoning regulations; but in any event, their initial request would have permitted construction closer to their property line than this Committee could support.

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty/>)

District: 08 Account Number: 1600001292



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.

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>).

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 1600001292			
Owner Information					
Owner Name:	BAUDER BRIAN C BAUDER RACHEL M		Use:	RESIDENTIAL	
Mailing Address:	8347 TALLY HO RD LUTHERVILLE TIMONIUM MD 21093-4723		Principal Residence:	YES	
			Deed Reference:	/36214/ 00268	
Location & Structure Information					
Premises Address:	8347 TALLY-HO RD LUTHERVILLE TIMONIUM 21093-4723		Legal Description:	8347 TALLY-HO RD SEMINARY RIDGE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0060	0021	0774		0000	F
					2
					2014
					Plat No: 4
					Plat Ref: 0034/0015
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
1971	2,044 SF		276 SF	18,762 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Carport
Last Major Renovation					
Value Information					
	Base Value		Value As of 01/01/2014		Phase-in Assessments As of 07/01/2015
Land:	165,100		165,100		As of 07/01/2016
Improvements	203,000		231,500		
Total:	368,100		396,600		387,100
Preferential Land:	0				396,600
					0
Transfer Information					
Seller: MORRIS MICHAEL F		Date: 05/22/2015		Price: \$485,000	
Type: ARMS LENGTH IMPROVED		Deed1: /36214/ 00268		Deed2:	
Seller: MORRIS MICHAEL F		Date: 06/26/2013		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /33856/ 00050		Deed2:	
Seller: OHEARN JENNIFER ANNE		Date: 10/18/2005		Price: \$430,000	
Type: ARMS LENGTH IMPROVED		Deed1: /22742/ 00726		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
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					

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment6/13

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

N/C

DEPS

(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING

(if not received, date e-mail sent _____)

6/1

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

7/7

COMMUNITY ASSOCIATION

Formal Demand

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

6/12

SIGN POSTING

Date:

6/9

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☒

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

CASE NAME 2016-0295-A
CASE NUMBER _____
DATE 8/1/16

[illegible]

CASE NAME _____
CASE NUMBER 2016-0295-A
DATE 8-1-2016

[illegible]

Case No.:

2016-0295-A

Exhibit Sheet

9-9-16

8-5-16
sen

Petitioner/Developer

DW

Protestant

No. 1	site plan	
No. 2	photo of dwelling	
No. 3	Seminary Ridge plat	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

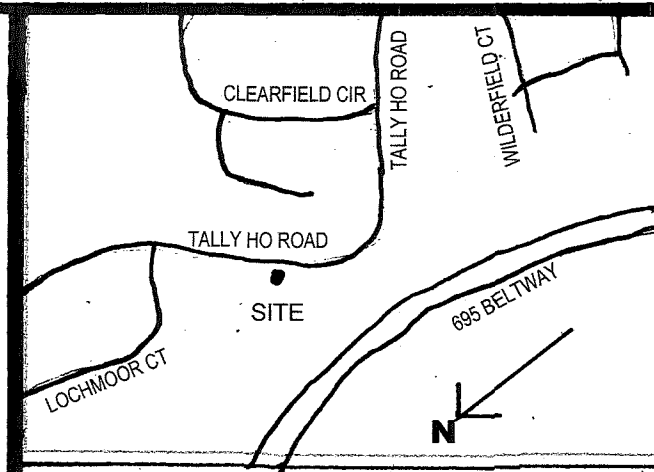
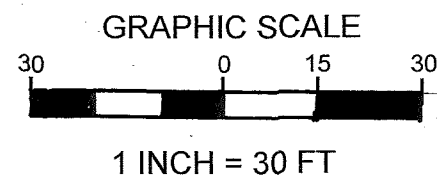
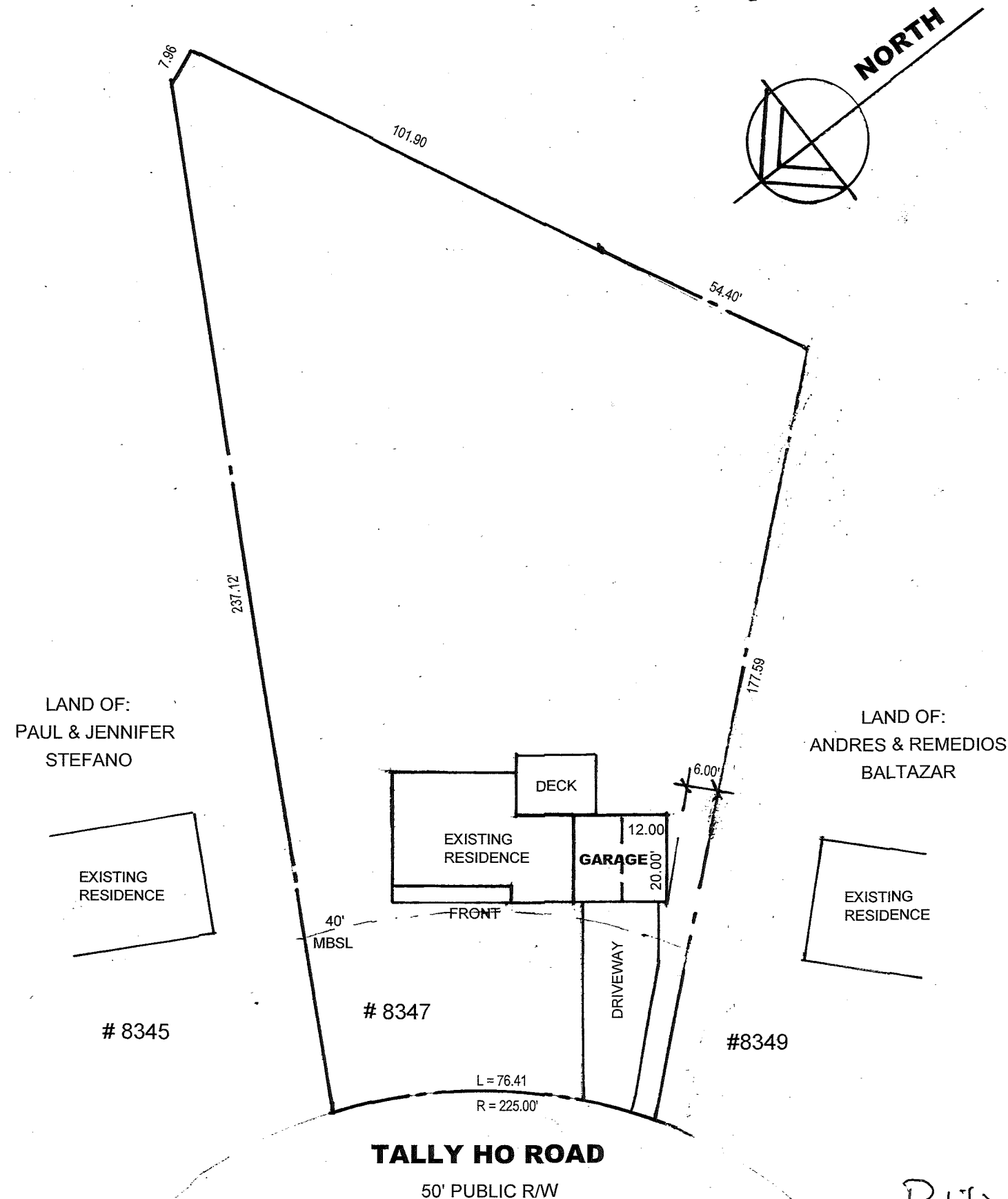


CONVERT EXISTING CARPORT TO DOUBLE GARAGE- FRONT

Petitioners No. 2
2016-0295-A

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

8347 TALLY HO ROAD, LUTHERVILLE TIMONIUM. DEED REF : /36214/ 00268, TAX MAP 0080
 GRID 0021, PARCEL 0774, BLOCK F, LOT 2
 OWNERS : BRIAN & RACHEL BAUDER



LOCATION INFORMATION

ELECTION DISTRICT 8
 COUNCILMANIC 2
 GIS TITLE 1"=200' SCALE MAP # 060B3
 ZONING - DR 2
 LOT SIZE 18,762 SF
 SITE COVERAGE EXISTING 0.050% PRPOPOSED 0.055%
 SEPTIC SEWER
 PRIVATE WATER
 CHESAPEAKE BAY CRITICAL AREA - NO
 100-YEAR FLOOD PLAIN - NO
 HISTORIC PROPERTY - NO
 PRIOR ZONING HEARING - NONE

ZONING OFFICE USE ONLY

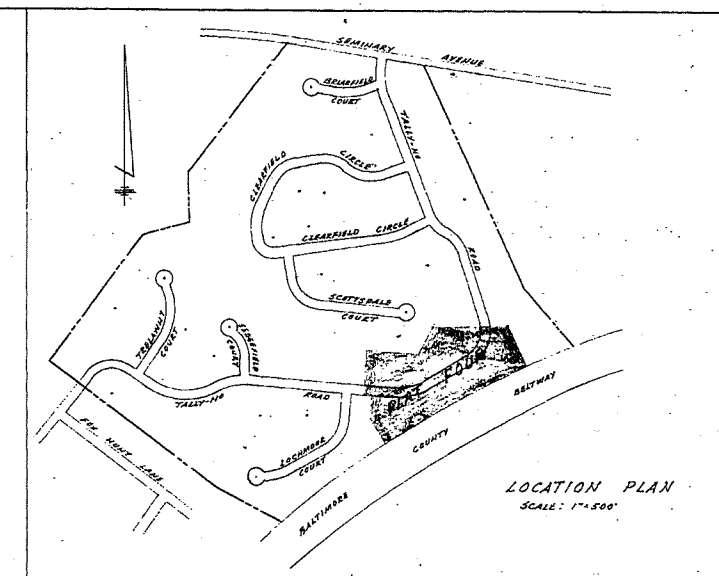
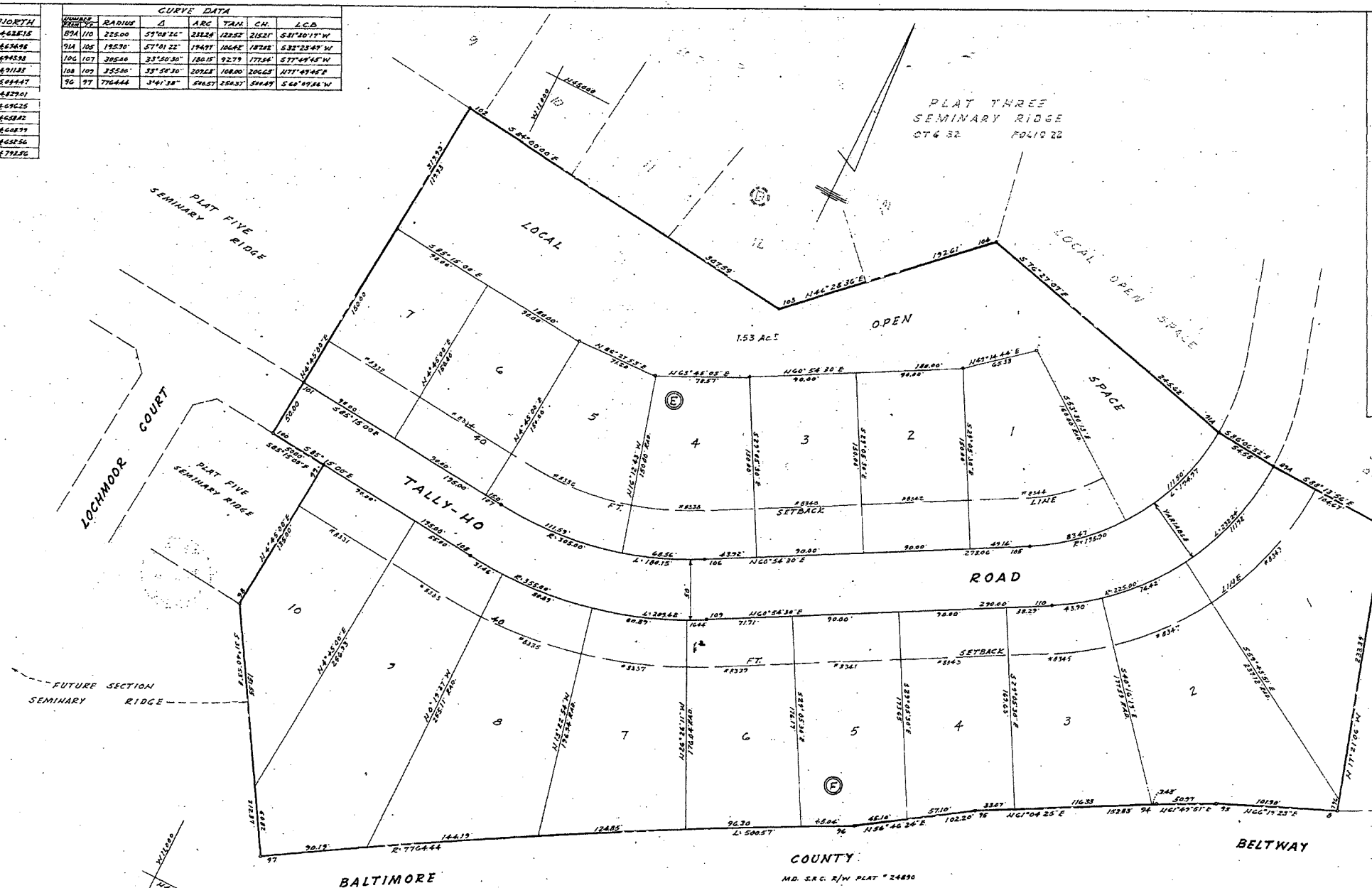
REVIEWED BY	ITEM #	CASE #

Petitioners No. 1
 2016 - 0295 - A



COORDINATES					
NO.	WEST	NORTH	NO.	WEST	NORTH
16	10316.62	44781.23	100	10788.87	44628.18
17	10316.62	44781.23	101	10788.87	44628.18
18	10316.62	44781.23	102	10788.87	44628.18
19	10316.62	44781.23	103	10788.87	44628.18
20	10316.62	44781.23	104	10788.87	44628.18
21	10316.62	44781.23	105	10788.87	44628.18
22	10316.62	44781.23	106	10788.87	44628.18
23	10316.62	44781.23	107	10788.87	44628.18
24	10316.62	44781.23	108	10788.87	44628.18
25	10316.62	44781.23	109	10788.87	44628.18
26	10316.62	44781.23	110	10788.87	44628.18

CURVE DATA			
STATION	RADIUS	Δ	ARC
894+10	255.00	57°00'22"	213.24
914+10	195.30	57°00'22"	164.97
934+10	385.60	33°58'30"	180.11
954+10	355.30	33°58'30"	168.00
974+10	776.44	3°41'38"	58.57



APPROVED BY BALTIMORE COUNTY HEALTH DEPARTMENT
David L. Brown 3/10/70
DEPUTY STATE AND COUNTY HEALTH OFFICER

APPROVED AS TO ALIGNMENT AND LOCATION OF STREETS
Sheldon M. Hensley 3/9/70
ROADS ENGINEER OF BALTIMORE COUNTY

APPROVED BY BALTIMORE COUNTY PLANNING BOARD
George E. Jurek 3/9/70
DIRECTOR

OWNERS CERTIFICATE:
Certification is hereby made that all the requirements of the Annotated Code of Maryland Chapter 1010, Acts of 1945 have been complied with on this plat.

Joseph L. Keely
VICE-PRESIDENT - JAMES KEELY & CO. INC.

CERTIFICATION
Certification is hereby made that this plat was computed by David L. Brown and that it meets the requirements of Section 720 Article 17 of the Annotated Code of Maryland 1947 Supplement.

David L. Brown
REG. NO. 3623

NOTES:
The streets and/or roads as shown hereon and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use, the fee simple title to the beds thereof is expressly reserved in the Grantors of the deed to which this plat is attached their Heirs and Assigns.

Coordinates are referred to traverse of Baltimore County Metropolitan District and are based on points X-1204 and X-1205.

X-1204 N46°21'33" W85°56'44" X-1205 N46°21'33" W85°56'44"

LEGEND:
Outline of plat shown thus: _____
Boundary of roads shown thus: _____
Lot lines shown thus: _____
Lot numbers shown thus: _____
House numbers shown thus: _____
Block numbers shown thus: _____
Setback lines shown thus: _____
Coordinate numbers shown thus: _____

O.T.C. 34 FOLIO 15

RECEIVED for Record
MAR 12 1970 at 4 PM
same day recorded in Liber
O.T.C. No. _____ Folio _____
One of the _____ Records of
Baltimore County and ex-
amined, per _____

Donald L. Brown

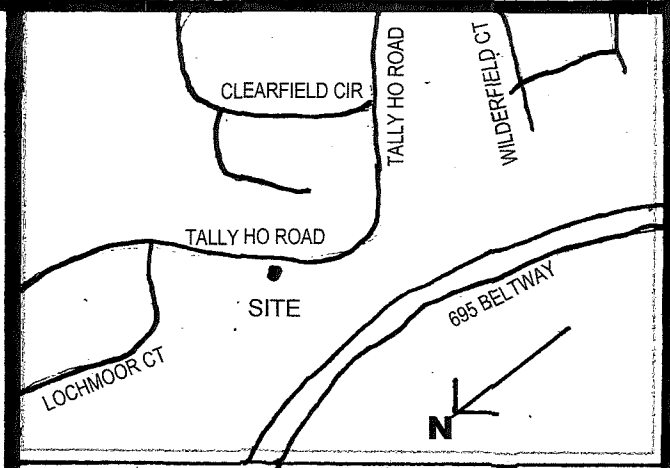
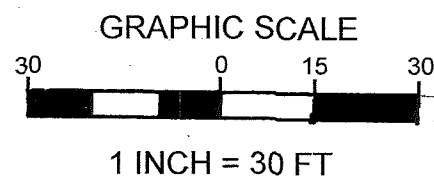
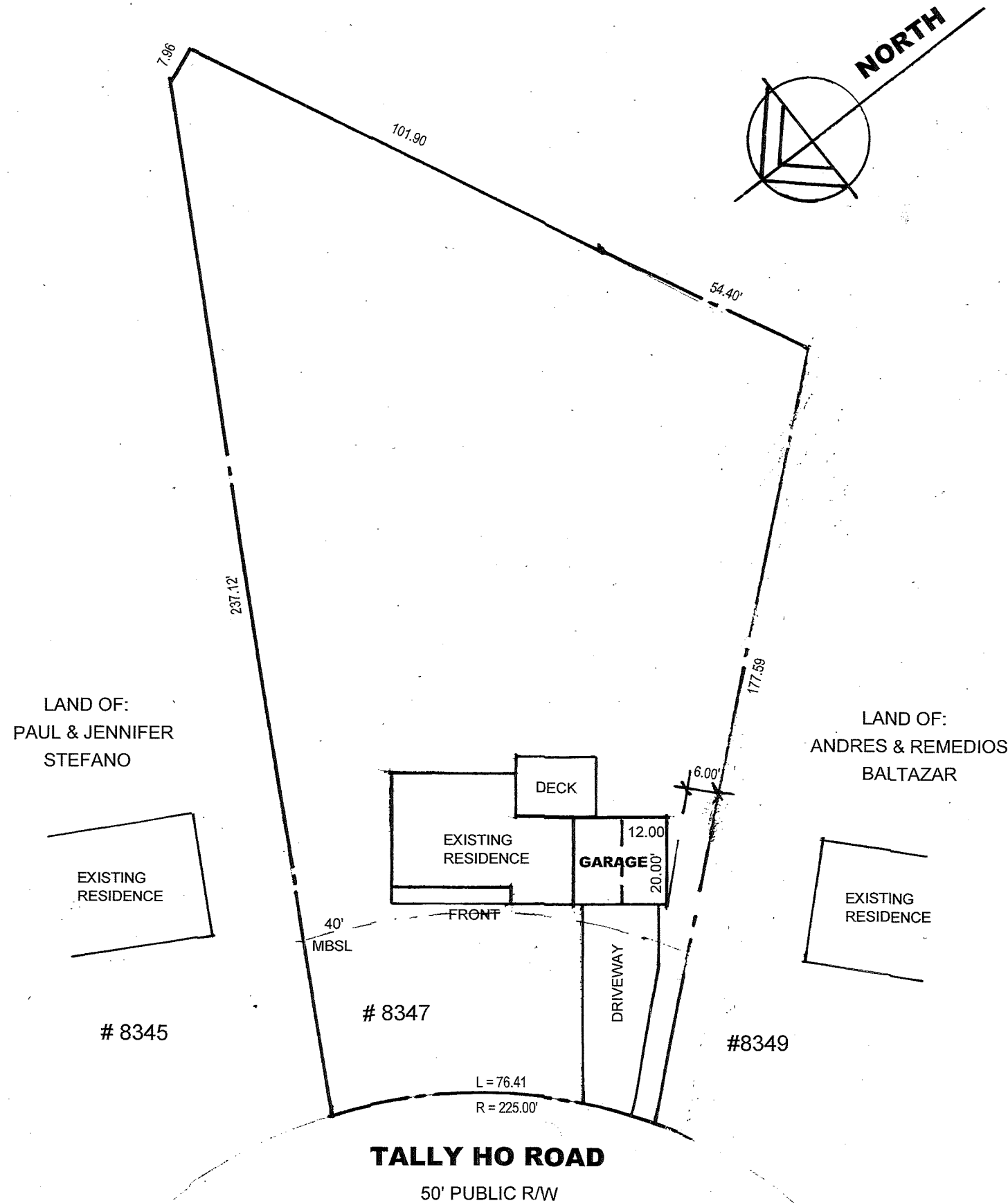
PLAT FOUR
SEMINARY RIDGE
BALTIMORE COUNTY, MD. ELECT. DIST. N°8
SCALE: 1"=50' JANUARY 1970

JAMES KEELY & CO. INC. - OWNER
61 EAST PADONIA ROAD TIMONIUM, MARYLAND
DONALD L. BROWN
LAND SURVEYOR - REG. NO. 3423
61 EAST PADONIA ROAD TIMONIUM, MARYLAND

Petitioners No. 3
2016-0295-A

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

8347 TALLY HO ROAD, LUTHERVILLE TIMONIUM. DEED REF : /36214/ 00268, TAX MAP 0080
 GRID 0021, PARCEL 0774, BLOCK F, LOT 2
 OWNERS : BRIAN & RACHEL BAUDER



VICINTY MAP - NOT TO SCALE

LOCATION INFORMATION

ELECTION DISTRICT 8
 COUNCILMANIC 2
 GIS TITLE 1"=200' SCALE MAP # 060B3
 ZONING - DR 2
 LOT SIZE 18,762 SF
 SITE COVERGE EXISTING PRPOPOSED
 0.050% 0.055%
 SEPTIC SEWER
 PRIVATE WATER
 CHESAPEAKE BAY CRITICAL AREA - NO
 100-YEAR FLOOD PLAIN - NO
 HISTORIC PROPERTY - NO
 PRIOR ZONING HEARING - NONE

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #

2016-0295-A