

M E M O R A N D U M

DATE: August 18, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0304-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 15, 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 ADMIN. VARIANCE *
(3313 Carroll Avenue)
4th Election District *
2nd Council District
Moshe Loecher & Lauren R. Sontag *
Petitioners

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2016-0304-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, Moshe Loecher & Lauren R. Sontag ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1A01.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) To permit a front yard addition (garage) with a side setback of 13 ft. and a front setback of 60 ft. to the centerline of the road in lieu of the required 35 ft. and 75 ft. respectively; and (2) To permit a rear yard addition (screened in porch) with a side setback of 20 ft. in lieu of the required 26.25 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. A ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS) dated June 22, 2016, indicating that the Ground Water Management section must review any proposed building permit(s) for a garage on this site since the property is served by well and septic.

ORDER RECEIVED FOR FILING

Date 7-15-16

By [Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 25, 2016, 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 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.

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 15th day of **July, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A01.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) as follows: (1) To permit a front yard addition (garage) with a side setback of 13 ft. and a front setback of 60 ft. to the centerline of the road in lieu of the required 35 ft. and 75 ft. respectively; and (2) To permit a rear yard addition (screened in porch) with a side setback of 20 ft. in lieu of the required 26.25 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 7-15-16

By [Signature]

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.
- Petitioners must comply with the ZAC comment submitted by DEPS dated June 22, 2016; a copy of which is attached hereto and made a part hereof.

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:dlw

ORDER RECEIVED FOR FILING

Date 7-15-16

By laj



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 3313 Carroll Ave. OWINGS MILLS MD 21117 Currently zoned RC 2

Deed Reference 36657 / 00489 10 Digit Tax Account # 0413092401

Owner(s) Printed Name(s) MOSHE LOECHER & LAUREN R. SONTAG

(SELECT THE HEARING(S) BY MARKING 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) _____

1A01.3.B.3 → To permit a front yard addition (garage) with a side setback of 13 feet and a front setback of 60 feet to the centerline of the road in lieu of the required 35 feet and 75 feet respectively, and to permit a rear yard addition (screened-in porch) with a side setback of 20 feet in lieu of the required 26.25 feet.

2. _____ **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 petition(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.

Owner(s)/Petitioner(s):

MOSHE LOECHER

LAUREN R SONTAG

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3313 Carroll Ave. Owings Mills, MD

Using Address

City

State

21117

410-205-5508

mloecher@gmail.com

Zip Code

Telephone #

Email Address

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

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

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

Administrative Law Judge for Baltimore County

CASE NUMBER 2016-0304-A

Filing Date 6/1/16

Estimated Posting Date 6/12/16

Reviewer JS

Rev 5/2014

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: 3313 Carroll Ave. OWINGS MILLS MARYLAND 21117
Print or Type Address of property City State Zip Code

To allow our growing family the convenience of an indoor garage parking and a screened in porch the practical difficulty we are facing are the setbacks on the driveway side (West), the street side (North) and rear garden (South). The parking garage space we are proposing expanding onto is partially utilized as an asphalt driveway, thus is already a non-permeable surface. Widening the current driveway will give easy access to the purposed garage and will mimic other neighborhood garages, which face the street. On the West side of the existing structure a 13 foot setback is needed (as a continuation of the already approved variance case A-0130) in lieu of the 35ft requirement. A 44 ft. setback is being requested from the street (North) and a 50 ft. setback from the rear (South) in lieu of the 75 foot requirement. A proper two car garage requires 24 feet length and width, which is what we are requesting. Having a screened-in porch will help our growing family enjoy safe outdoor activities in our back yard for years to come.

All neighbors are aware of, and welcome this addition to our home.

Signature of Owner (Affiant)

MOSHE LOECHER

Name- Print or Type

Signature of Owner (Affiant)

LAUREN R SONTAG

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31st day of May, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Part name(s) here: Moshe Loecher and Lauren R. Sontag

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

ELAINE BATANG
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
My Commission Expires 12/02/2017

Notary Public

My Commission Expires

REV. 5/8/2014

Zoning property description for 3313 Carroll Ave. Owings Mills, MD. 21117. Beginning at the point on the south side of Carroll Ave which is 30' R/W wide at the distance of 970 feet east of the centerline of the nearest improved intersecting street Garrison Forest Road which is 30' R/W wide. Thence the following courses and distances: (first point of call "POC") S 12 degrees 00' 00" E 201.9', (second POC) N 84 degrees 05' 33" E 86.04', (3rd POC) N 12 degrees 00' 00" W 183.4', and (4th POC) N 84 degrees 06' 02" W 89.9' , back to the point of beginning as recorded in Deed Liber 36657, Folio 489, containing 18,730 square feet. Located in the 4th election district and 2nd councilman district.

2016-0304-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 6/26/2016

Case Number: 2016-0304-A

Petitioner / Developer: LOECHER

Date of Hearing (Closing): JULY 11, 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:
3313 CARROLL AVENUE

The sign(s) were posted on: JUNE 25, 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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0304 -A Address 3313 CARROLL AVE, 21117
Contact Person: JASON SCAGGIAN Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 6/1/16 Posting Date: 6/26/16 Closing Date: 7/11/16

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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 2016- 0304 -A Address 3313 CARROLL AVE, 21117
Petitioner's Name LOEGER Telephone 410-205-5508
Posting Date: 6/26/16 Closing Date: 7/11/16
Wording for Sign: To permit a front yard addition (garage) with a side setback of 13 feet and a front setback of 60 feet to the centerline of the road in lieu of the required 35 feet and 75 feet respectively, and to permit a rear yard addition (screened-in porch) with a side setback of 20 feet in lieu of the required 26.25 feet.

Revised 7/9/15

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2016-0304-A
Property Address: 3313 CARROLL AVE., 21117
Property Description: _____
Legal Owners (Petitioners): MOSHE LOECHER + LAUREN SONTAG
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: MOSHE LOECHER
Company/Firm (if applicable): _____
Address: 3313 CARROLL AVE
OWINGS MILLS, MD 21117
Telephone Number: 410-205-5508

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

July 11, 2016

Moshe Loecher & Lauren R Sontag
3313 Carroll Avenue
Owings Mills MD 21117

RE: Case Number: 2016-0304 A, Address: 3313 Carroll Avenue

Dear Mr. Loecher & Ms. Sontag:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 1, 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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 22, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0304-A
Address 3313 Carroll Avenue
(Loecher & Sontag Property)

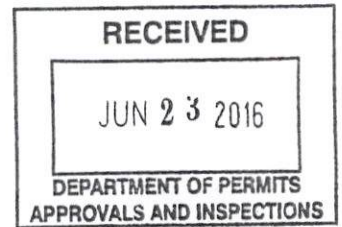
Zoning Advisory Committee Meeting of **June 13, 2016.**

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Ground Water Management must review any proposed building permit(s) for a garage on this site, since the property is served by well and septic.

Reviewer: Dan Esser Date: 6/20/16

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE



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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 13, 2016
Item No. 2016-0283, 0284, 0298, 0300, 0301, 0302, 0303, 0304, 0306,
0309 and 0310

DATE: June 15, 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\ZAC06132016.doc

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



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

Date: 6/13/16

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. 2016-0304-A.

*Administrative Variance
Mashe Hoehner & Lauren R. Sontag
3313 Carroll Avenue*

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 black ink, appearing to read 'Richard Zeller'.

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

WW/RAZ

1-11
RECEIVED

JUN 22 2016

BALTIMORE COUNTY, MARYLAND

OFFICE OF ADMINISTRATIVE HEARINGS

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 22, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0304-A
Address 3313 Carroll Avenue
(Loecher & Sontag Property)

Zoning Advisory Committee Meeting of June 13, 2016.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Ground Water Management must review any proposed building permit(s) for a garage on this site, since the property is served by well and septic.

Reviewer: Dan Esser Date: 6/20/16

ORDER RECEIVED FOR FILING

Date 7-15-16

By ISW

7-11
RECEIVED

JUN 22 2016

BALTIMORE COUNTY, MARYLAND

OFFICE OF ADMINISTRATIVE HEARINGS

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 22, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0304-A
Address 3313 Carroll Avenue
(Loecher & Sontag Property)

Zoning Advisory Committee Meeting of **June 13, 2016.**

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Ground Water Management must review any proposed building permit(s) for a garage on this site, since the property is served by well and septic.

Reviewer: Dan Esser Date: 6/20/16

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>6-15</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>6-22</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>6-13</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2016-0130-A (attached)</u>)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	✓ Date: <u>6-25-16</u> by <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 0413092401			
Owner Information					
Owner Name:		LOECHER MOSHE SONTAG LAUREN R		Use:	RESIDENTIAL
Mailing Address:		3313 CARROLL AV OWINGS MILLS MD 21117		Principal Residence:	YES
				Deed Reference:	/36657/ 00489
Location & Structure Information					
Premises Address:		3313 CARROLL AVE 0-0000		Legal Description:	.43 AC SES CARROLL A 1200 E GARRISON RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0058	0005	0070		0000	
				Assessment Year:	2016
				Plat No:	
				Plat Ref:	
Special Tax Areas:		Town: NONE			
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1951	1,052 SF	500 SF	18,730 SF	04	
Stories	Basement	Type	Exterior SIDING	Full/Half Bath	Garage Last Major Renovation
1	YES	STANDARD UNIT		1 full/ 1 half	
Value Information					
		Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		131,100	131,100		
Improvements		75,700	101,400		
Total:		206,800	232,500	206,800	215,367
Preferential Land:		0			0
Transfer Information					
Seller: MYERS ALLEN L		Date: 09/16/2015		Price: \$180,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /36657/ 00489		Deed2:	
Seller: MYERS GEORGE H		Date: 03/22/1948		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /00000/ 00000		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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: Approved 11/23/2015					

Baltimore County

[New Search \(http://sdat.dat.maryland.gov/RealProperty\)](http://sdat.dat.maryland.gov/RealProperty)District: **04** Account Number: **0413092401**

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>).

JS
4-14-16

IN RE: PETITION FOR VARIANCE

(3313 Carroll Avenue)

4th Election District

2nd Council District

Moshe Loecher & Lauren S. Sontag

Legal Owners

Petitioners

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BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0130-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed for property located at 3313 Carroll Avenue. Petitioners originally requested variance relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (garage, mudroom, office) with side yard setbacks of 2 feet and 11 ½ feet in lieu of the required 35 feet each. After discussions with the adjoining neighbor the petition was amended to seek variance relief permitting side yard setbacks of 11 ft. and 11.5 ft.

This matter was originally filed as an Administrative Variance, with a closing date of December 21, 2015. On December 21, 2015, Thomas Seibold at 3311 Carroll Avenue requested a hearing. The hearing was held on Thursday March 31, 2016 at 10:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations.

The subject property is approximately 18,730 square feet and is zoned RC 2. The property is improved with a small single-family dwelling (1,052 SF) constructed in 1951. Petitioners would like to construct an addition to accommodate their growing family, but require variance relief to do so. As noted above, the site plan was amended (dated March 31, 2016, "Loecher Addition—Revision 2.0") to increase the setback between the proposed addition and Mr. Seibold's property.

That plan indicates the addition will be located 13 feet from Mr. Seibold's property at the northwest corner, and due to the shape of the lot the setback will taper to 11 feet at the southwest corner.

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 property is irregularly shaped, like a parallelogram. As such it is unique. If the B.C.Z.R. were strictly interpreted, Petitioners would experience a practical difficulty, given they would not be able to construct the proposed 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.

THEREFORE, IT IS ORDERED, this 14th day of April, 2016, by this Administrative Law Judge, that the Petition for Variance to permit a proposed addition (garage, mudroom, office) with side yard setbacks of 11 feet and 11 ½ feet in lieu of the required 35 feet each, 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



Subject property from the West



Subject property from the East



Subject property from the South



3324 Carroll Ave
Colbert Ken & Marsha

[Get Data](#)

BALTIMORE COUNTY, MARYLAND

My Neighborhood

Civic/Government

Economic

Historic

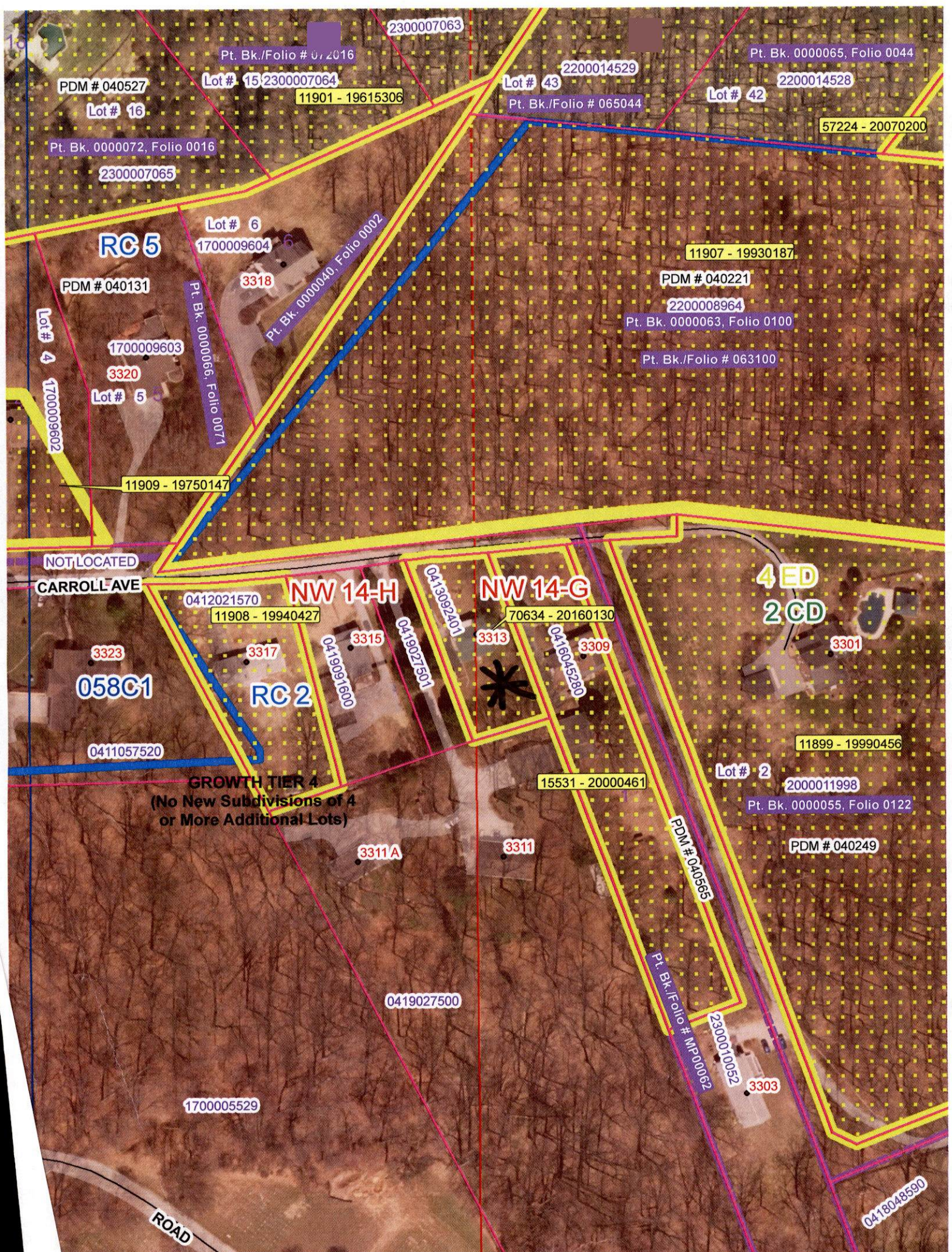
Environmental

Find Tile

Land Development

Bicycle Facilities





2300007063

Pt. Bk./Folio # 072016

PDM # 040527

Lot # 15 2300007064

11901 - 19615306

2200014529

Lot # 43

Pt. Bk./Folio # 065044

Pt. Bk. 0000065, Folio 0044

2200014528

Lot # 42

57224 - 20070200

Pt. Bk. 0000072, Folio 0016

2300007065

RC 5

Lot # 6

1700009604

3318

Pt. Bk. 0000040, Folio 0002

11907 - 19930187

PDM # 040221

2200008964

Pt. Bk. 0000063, Folio 0100

Pt. Bk./Folio # 063100

PDM # 040131

1700009603

3320

Lot # 5

Pt. Bk. 0000066, Folio 0071

11909 - 19750147

NOT LOCATED

CARROLL AVE

0412021570

11908 - 19940427

NW 14-H

NW 14-G

4ED

2CD

3323

058C1

3317

RC 2

0419001600

3315

0419027501

3313

70634 - 20160130

0419025280

3309

3301

11899 - 19990456

Lot # 2

2000011998

Pt. Bk. 0000055, Folio 0122

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

15531 - 20000461

PDM # 040565

PDM # 040249

3311A

3311

0419027500

1700005529

Pt. Bk./Folio # MP00062

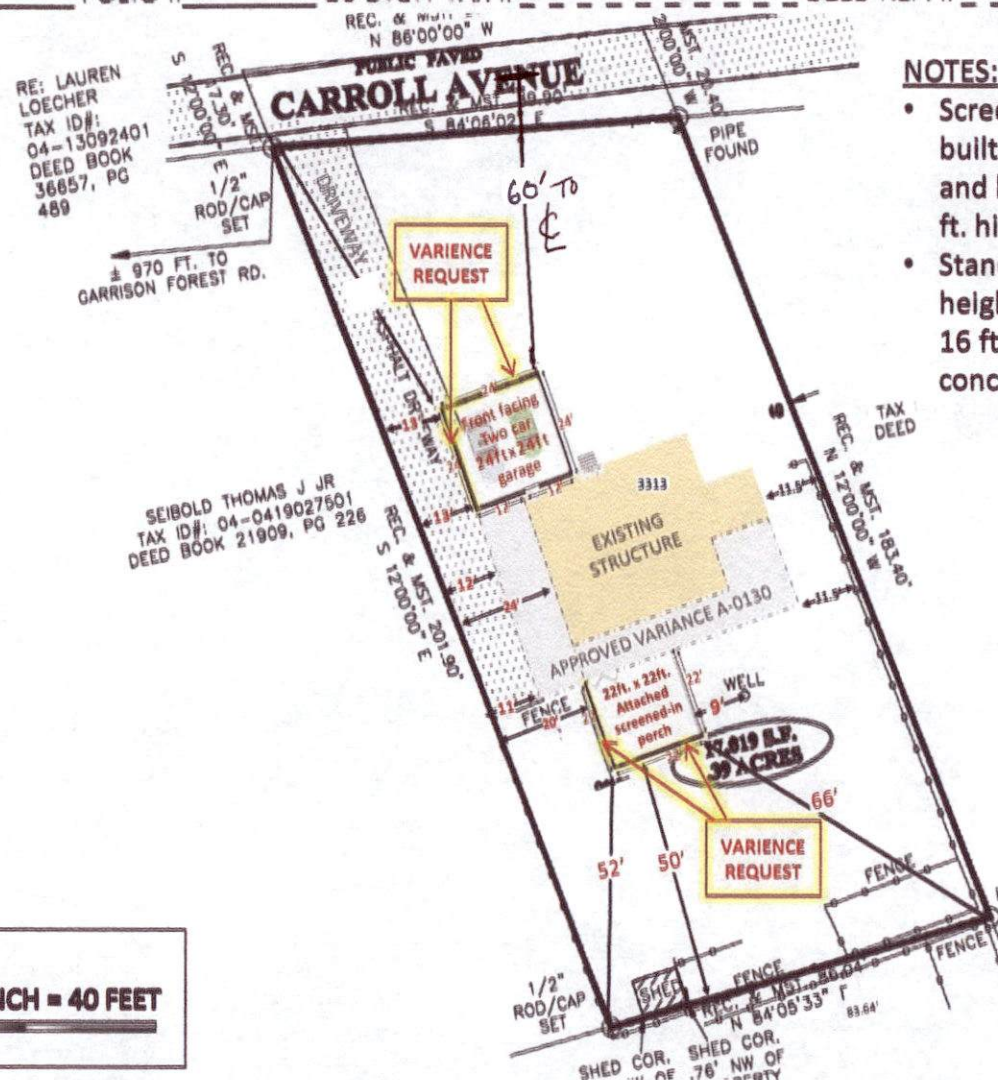
2300010052

3303

0418048590

ROAD

SUBDIVISION NAME _____ LOT # _____ BLOCK # _____ SECTION # _____
PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # **0413092401** DEED REF. # **36657 / 00489**



- Screened-in porch will be built above crawl space and level with home at 16 ft. hip & gable roof height.
- Standard garage ceiling height at 10ft with same 16 ft. hip & gable roof on concrete slab.

1 MAP IS NOT TO SCALE
ZONING MAP# 058C1
SITE ZONED RC 2
ELECTION DISTRICT 4
COUNCIL DISTRICT 2
LOT AREA ACREAGE _____
OR SQUARE FEET 18,730 SF
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS: _____
PUBLIC _____ PRIVATE X
SEWER IS: _____
PUBLIC _____ PRIVATE X
PRIOR HEARING? YES
IF SO GIVE CASE NUMBER _____
AND ORDER RESULT BELOW
2016-0130-A → GRANTED

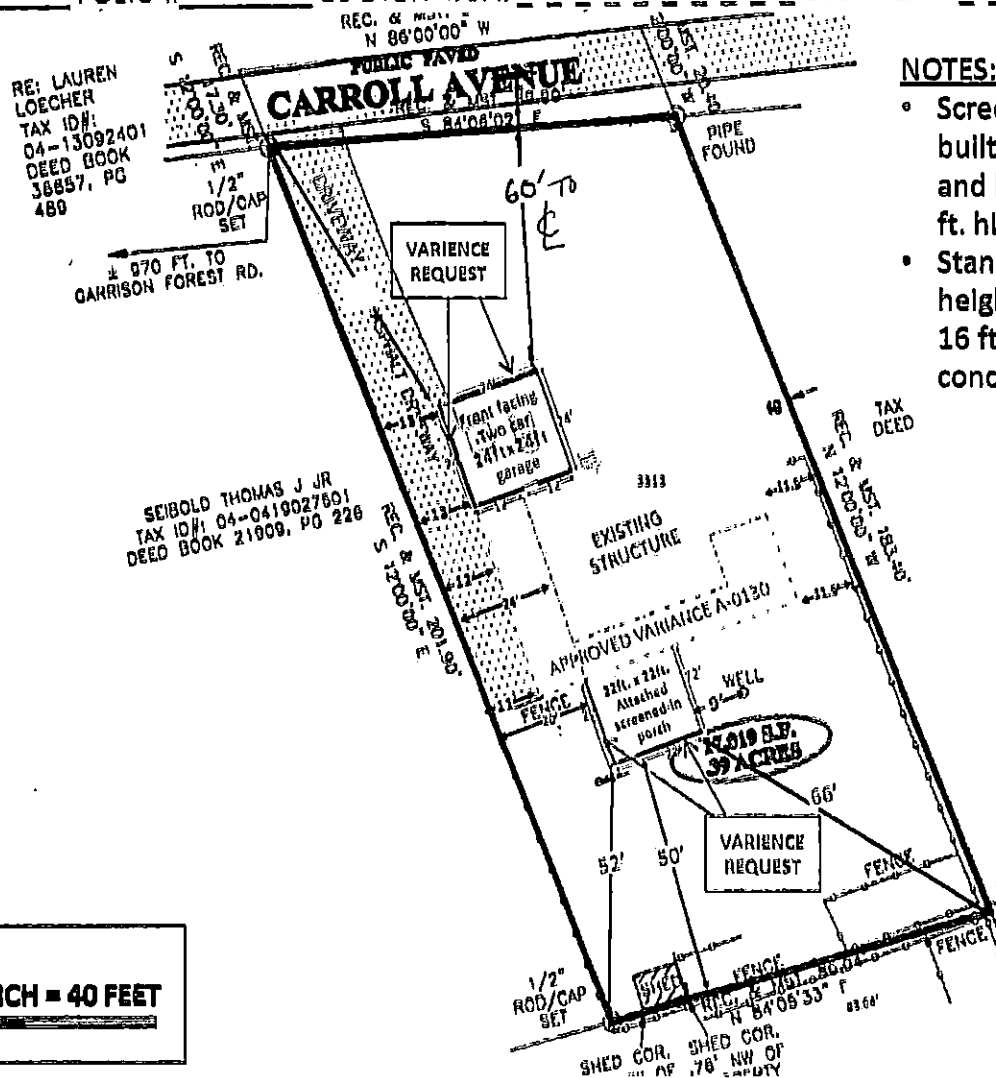
VIOLATION CASE INFO:

PLAN DRAWN BY **MOSHE LOECHER - OWNER** DATE **06.01. 2016** SCALE: 1 INCH = **40** FEET

2016-0304-A

Part. Exh. 1

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PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # **0413092401** DEED REF. # **36657 / 00489**



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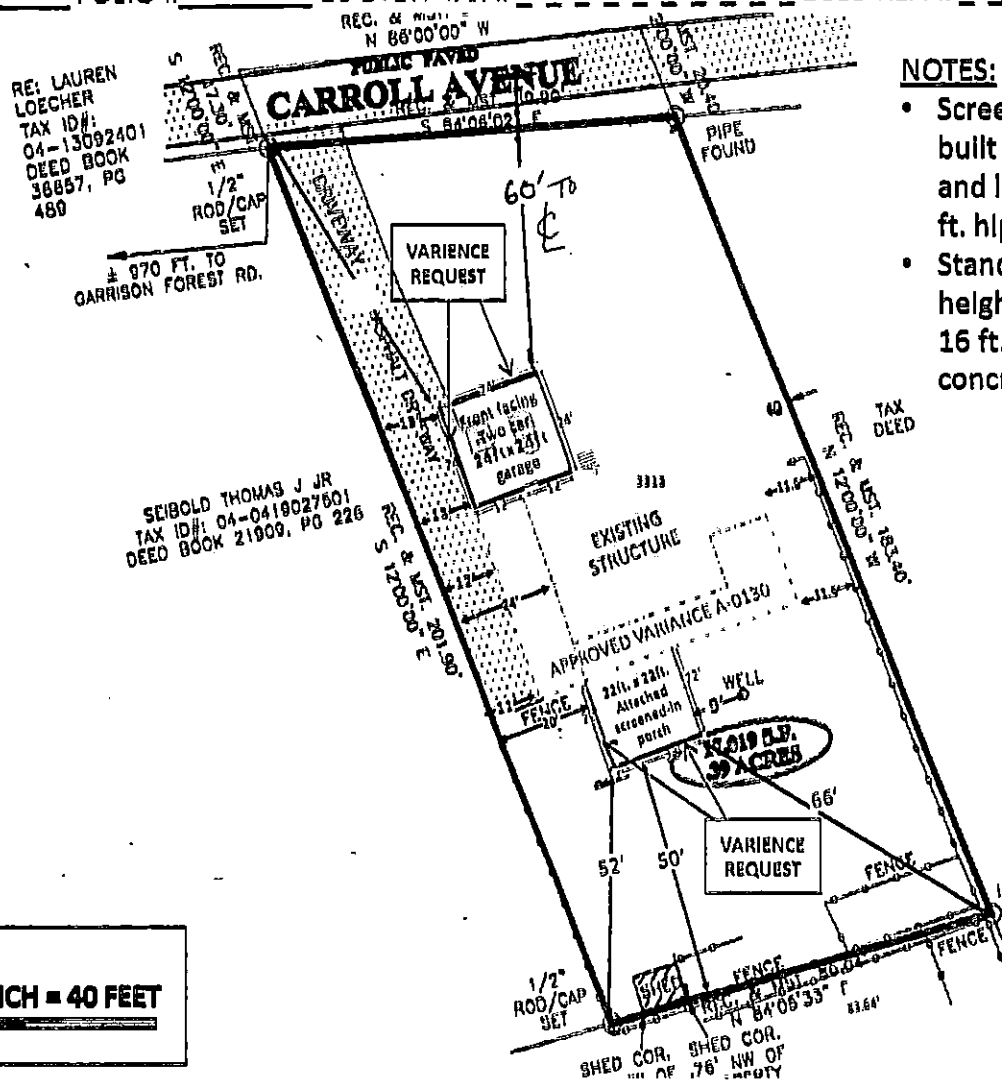
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 AND ORDER RESULT BELOW
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PLAN DRAWN BY **MOSHE LOECHER - OWNER** DATE **06.01. 2016** SCALE: 1 INCH = **40** FEET

2016-0304-A

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2016-0304-A