

|                                     |   |                          |
|-------------------------------------|---|--------------------------|
| IN RE: PETITION FOR ADMIN. VARIANCE | * | BEFORE THE               |
| (8548 Leisure Hill Drive)           |   |                          |
| 3 <sup>rd</sup> Election District   | * | OFFICE OF ADMINISTRATIVE |
| 2 <sup>nd</sup> Council District    |   |                          |
| Michael I. Greenebaum               | * | HEARINGS FOR             |
| Petitioner                          | * | BALTIMORE COUNTY         |
|                                     | * | CASE NO. 2017-0174-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 owner of the property, Michael I. Greenebaum ("Petitioner"). The Petitioner is requesting Variance relief pursuant to §§ 1A04.3.B.2.b and 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) To permit proposed additions (pool house and bedroom) with a centerline of street setback as close as 60 ft. in lieu of the required 75 ft. and a side yard setback as close as 30 ft. in lieu of the required 50 ft., (2) To permit a proposed open projection (deck) with a side yard setback as close as 20 ft. in lieu of the required 37.5 ft., (3) To amend the Final Development Plan (FDP) of Leisure Hill, 4th Amended Plat, Lot No. 6 only, and (4) To alter the setback requirements and such other and further relief as the Administrative Law Judge (ALJ) may require. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

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 January 11, 2017, indicating that Ground Water Management must review any future building permits (for additions, etc.) since the property is

**ORDER RECEIVED FOR FILING**

Date 2-3-17

By [Signature]

served by well and septic.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 15, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 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 Petitioner.

Although the Department of Planning did not make any recommendations related to the accessory structure height and usage, I will impose conditions that the pool house 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 3<sup>rd</sup> day of **February, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 1A04.3.B.2.b and 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) To permit proposed additions (pool house and bedroom) with a centerline of street

ORDER RECEIVED FOR FILING

Date 2-3-17

By low

setback as close as 60 ft. in lieu of the required 75 ft. and a side yard setback as close as 30 ft. in lieu of the required 50 ft., (2) To permit a proposed open projection (deck) with a side yard setback as close as 20 ft. in lieu of the required 37.5 ft., and (3) To amend the Final Development Plan (FDP) of Leisure Hill, 4th Amended Plat, Lot No. 6 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his 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, Petitioner would be required to return the subject property to its original condition.
2. Petitioner or subsequent owners shall not convert the pool house into a dwelling unit or apartment. The accessory structure/pool house shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The accessory structure/pool house shall not be used for commercial purposes.
4. Petitioner must comply with the ZAC comment from the Department of Environmental Protection and Sustainability (DEPS) dated January 11, 2017; 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

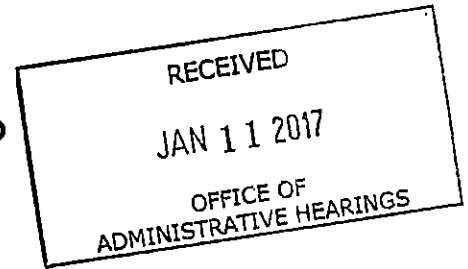
Date 2-3-17

By KW

1-30-17

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: January 11, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0174-A  
Address 8548 Leisure Hill Drive  
(Greenebaum Property)

Zoning Advisory Committee Meeting of **January 16, 2017.**

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 future building permits (for additions, etc.), since the property is served by well and septic.

Reviewer: Dan Esser

Date: 1/11/17

ORDER RECEIVED FOR FILING

Date 2-3-17

By law





KEVIN KAMENETZ  
*County Executive*

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

February 3, 2017

Michael I. Greenebaum  
8548 Leisure Hill Drive  
Baltimore, MD 21208

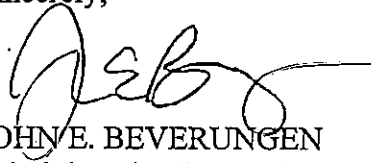
RE: Petition for Administrative Variance  
Case No. 2017-0174-A  
Property: 8548 Leisure Hill Drive

Dear Mr. Greenebaum:

Enclosed please find a copy of the Order 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: Phyllis Friedman, Esq., 409 Washington Ave., Ste. 900, Towson, MD 21204



# 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** 8548 Leisure Hill Drive, Pikesville, Maryland 21208 **Currently zoned** RC-5  
**Deed Reference** 35773 / 001 **10 Digit Tax Account #** 2 3 0 0 0 0 6 0 2 0  
**Owner(s) Printed Name(s)** Michael Greenebaum

(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. ☒ **ADMINISTRATIVE VARIANCE** from Section(s) 1A04.3.B.2.b and Section 301.1.A to alter the setback requirements and such other and further relief as the Administrative Law Judge may require.

*see attached*

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of 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.

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and Baltimore County adopted pursuant to the zoning law for Baltimore County.

## Owner(s)/Petitioner(s):

Michael Greenebaum  
 Name #1 – Type or Print Name #2 – Type or Print  
*[Signature]*  
 Signature #1 Signature #2  
1829 Reisterstown Road - Suite 300, Baltimore, MD  
 Mailing Address City State  
21208 / 410-484-8400 / mgreenebaum@  
 Zip Code Telephone # Email Address  
greenebaumenterprises.com

## Representative to be contacted:

Mark S. Vaszil  
 Name – Type or Print  
*[Signature]*  
 Signature  
PO Box 47428 Baltimore MD  
 Mailing Address City State  
21244-7428 / 410-944-3647 / mvaszil@dsthaler.com  
 Zip Code Telephone # Email Address

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

Phyllis Friedman, Esq.  
 Name – Type or Print  
*[Signature]*  
 Signature  
409 Washington Ave, Suite 900, Towson MD  
 Mailing Address City State  
21204 / 410-494-0100 / pfriedman@fandf-law.com  
 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, this \_\_\_\_\_ 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 2017-0174-A Filing Date 1/4/17 Estimated Posting Date 1/5/17 Reviewer *[Signature]*

ATTACHMENT TO PETITION FOR VARIANCES – 8548 LEISURE HILL ROAD

ZONING RELIEF REQUESTED:

- 1) Section 1A04.3.B.2.b – to permit proposed additions (pool house and bedroom) with a centerline of street setback as close as 60 feet in lieu of the required 75 feet and a side yard setback as close as 30 feet in lieu of the required 50 feet
- 2) Section 301.1.A – to permit a proposed open projection (deck) with a side yard setback as close as 20 feet in lieu of the required 37.5 feet
- 3) And to amend the Final Development Plan of Leisure Hill, 4<sup>th</sup> Amended Plat, Lot #6 only

4) On pg. 1

Item #0174



# 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: 8548 Leisure Hill Drive Pikesville Maryland 21208  
Print or Type Address of property City State Zip Code

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)

See Attachment

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

Signature of Owner (Affiant)

Michael Greenebaum

Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

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

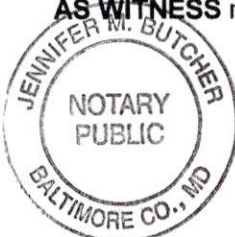
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15<sup>th</sup> day of December, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Michael Greenebaum

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

AS WITNESS my hand and Notaries Seal



JENNIFER M. BUTCHER  
Notary Public  
Baltimore County  
My Commission Expires: 11-29-2020

Notary Public

My Commission Expires

REV. 5/5/2016

Item #0174

Attachment to Request for Administrative Variance of 8548 Leisure Hill Drive Pikesville, MD 21208

JUSTIFICATION FOR VARIANCE – (Practical Difficulty)

Despite the size of the lot, it is uniquely constrained causing severe practical difficulty in the placement of the proposed additions. Almost 50 – 60% of the lot is constrained by steep slopes which creates a situation where all additions to the existing structure are pushed to the side of the existing house. The northern quadrant is almost entirely a septic reserve area and the southern has both a stormwater management and utility easement in addition to an existing basketball court. In addition the front of the property has an existing well. There are thus very few areas where the proposed first floor bedroom and pool and supporting structures could be placed and without variances it would be an impossible practical difficulty to do so.

Item #0174

November 9, 2016

## **ZONING DESCRIPTION**

8548 Leisure Hill Drive

Beginning at a point on the east side of Leisure Hill Drive, a 40 foot wide right-of-way, at a distance of 745 feet west of the west side of Park Heights Avenue, an 80 foot wide right-of-way.

Being Lot No. 6 in the Subdivision of Leisure Hill as recorded in Baltimore County Plat Book No. 68 folio 1, containing 102,575 square feet or 2.3548 acres of land, more or less.

Located in the Third Election District and Second Councilmanic District.



Item #0174



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

No. **142841**

Date: **1/4/17**

**PAID RECEIPT**

BUSINESS ACTUAL TIME DRG  
 1/05/2017 1/04/2017 10:56:03 2

REG 4302 MAIL JEE  
 RECEIPT # 996218 12/30/2016 OFLN

Dept 5 528 ZONING VERIFICATION  
 NO. 142841

Recpt Tot \$150.00  
 \$150.00 CK \$1.00 CA  
 Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/ | Sub Rev/ | Obj | Sub Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|-------------|----------|-----|---------|----------|---------|--------|
| 001  | 806  | 0000 |          | 6150        |          |     |         |          |         | 5150   |
|      |      |      |          |             |          |     |         |          |         |        |
|      |      |      |          |             |          |     |         |          |         |        |
|      |      |      |          |             |          |     |         |          |         |        |
|      |      |      |          |             |          |     |         |          |         |        |
|      |      |      |          |             |          |     |         |          |         |        |

Total: **5150**

Rec From: **M Greenbaum**

For: **Zoning hearing - case #2017-0174 A**

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

**CASHIER'S  
 VALIDATION**

# CERTIFICATE OF POSTING

2017-0174-A

RE: Case No.: \_\_\_\_\_

Petitioner/Developer: \_\_\_\_\_

Michael Greenebaum

January 30, 2017

Date of Hearing/Closing: \_\_\_\_\_

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: \_\_\_\_\_

8548 Leisure Hill Drive

January 15, 2016

The sign(s) were posted on \_\_\_\_\_  
(Month, Day, Year)



Sincerely,

January 15, 2016

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2017- 0174 -A Address 8548 Leisure Hill Dr

Contact Person: David Duvall Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 1/4/17 Posting Date: 1/15/17 Closing Date: 1/30/17

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 2017- 0174 -A Address 8548 Leisure Hill Dr

Petitioner's Name Michael Greenbaum Telephone 410 484 8400

Posting Date: 1/15/17 Closing Date: 1/30/17

Wording for Sign: To Permit proposed additions (pool house and bedroom) with a centerline of street setback as close as 60 feet in lieu of the required 75 feet and a side yard setback as close as 30 feet in lieu of the required 50 feet; and to permit a proposed open projection (deck) with a side yard setback as close as 20 feet in lieu of the required 37 1/2 feet; and to amend the FDP of Leisure Hill, 4th amended plat, lot 6 only

Revised 7/6/16



**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 twenty (20) 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.**

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**For Newspaper Advertising:**

Case Number: 2017-0174-A  
Property Address: 8548 Leisure Hill Drive, Pikesville, Maryland 21208  
Property Description: Lot 6 of the subdivision "Leisure Hill Drive" as recorded in the Baltimore County  
Plat Book No. 58, Folio 001  
Legal Owners (Petitioners): Michael Greenebaum  
Contract Purchaser/Lessee: N/A

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Michael Greenebaum  
Company/Firm (if applicable): Greenebaum Enterprises  
Address: 1829 Reisterstown Road - Suite 300  
Baltimore, Maryland 21208  
  
Telephone Number: 410-484-8400

Revised 7/9/2015



KEVIN KAMENETZ  
*County Executive*

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

January 31, 2017

Michael Greenebaum  
1829 Reisterstown Road  
Suite 300  
Baltimore MD 21208

RE: Case Number: 2017-0174 A, Address: 8548 Leisure Hill Drive

Dear Mr. Greenebaum:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 4, 2017. 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.", is written over a horizontal line.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel  
Phyllis Friedman, Esquire, 409 Washington Avenue, Suite 900, Towson MD 21204  
Mark S Vaszil, P O Box 47428, Baltimore MD 21244-7428

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



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

Date: 1/11/17

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.

2017-0174-A  
Administrative Variance  
Michael Greenbaum  
8548 Leisure Hill Drive

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 that reads "Richard Zeller".

Wendy Wolcott, PLA  
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  
**DATE:** January 19, 2017

**FROM:** Dennis A. Kennedy, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For January 16, 2017  
Item No. 2017-0170, 0171, 0172, 0173, 0174, 0175 and 0178

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

DAK:CEN  
cc:file  
G:\DevPlanRev\ZAC -No Comments\ZAC01162017.doc

**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: January 11, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0174-A  
Address 8548 Leisure Hill Drive  
(Greenebaum Property)

Zoning Advisory Committee Meeting of **January 16, 2017.**

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 future building permits (for additions, etc.), since the property is served by well and septic.

Reviewer: Dan Esser Date: 1/11/17

## **M E M O R A N D U M**

DATE: March 7, 2017  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2017-0174-A – Appeal Period Expired

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The appeal period for the above-referenced case expired on March 6, 2017. 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



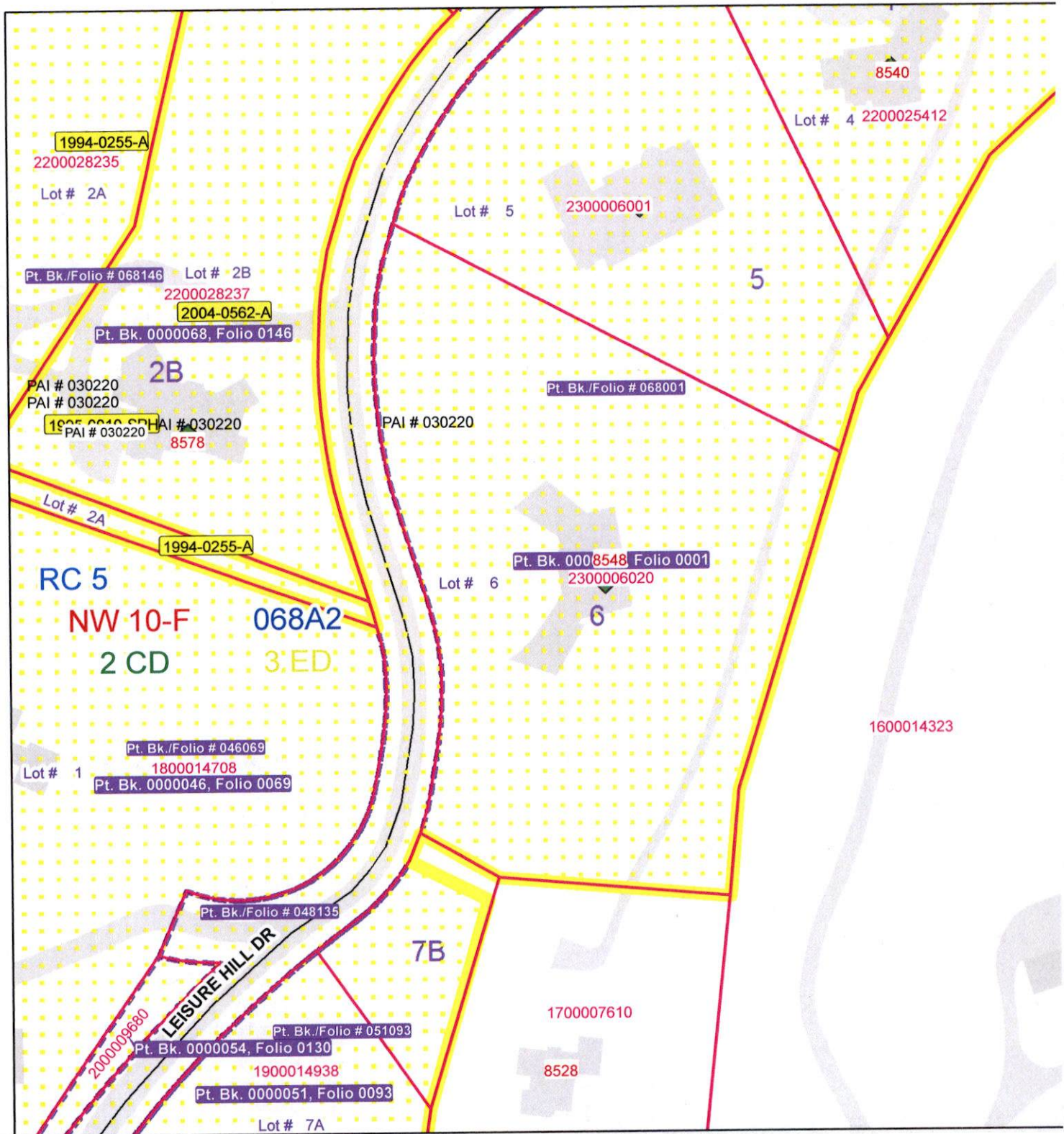
Real Property Data Search (w3) Guide to searching the database

Search Result for BALTIMORE COUNTY

| View Map                                     |          |                                                 | View GroundRent Redemption                |              |                        |                      | View GroundRent Registration |                                                   |            |           |
|----------------------------------------------|----------|-------------------------------------------------|-------------------------------------------|--------------|------------------------|----------------------|------------------------------|---------------------------------------------------|------------|-----------|
| Account Identifier:                          |          |                                                 | District - 03 Account Number - 2300006020 |              |                        |                      |                              |                                                   |            |           |
| Owner Information                            |          |                                                 |                                           |              |                        |                      |                              |                                                   |            |           |
| Owner Name:                                  |          | GREENEBAUM MICHAEL I                            |                                           |              |                        | Use:                 |                              | RESIDENTIAL                                       |            |           |
| Mailing Address:                             |          | 8548 LEISURE HILL DR<br>BALTIMORE MD 21208-1740 |                                           |              |                        | Principal Residence: |                              | YES                                               |            |           |
|                                              |          |                                                 |                                           |              |                        | Deed Reference:      |                              | /35773/ 00001                                     |            |           |
| Location & Structure Information             |          |                                                 |                                           |              |                        |                      |                              |                                                   |            |           |
| Premises Address:                            |          | 8548 LEISURE HILL DR<br>0-0000                  |                                           |              |                        | Legal Description:   |                              | 2.3548 AC<br>8548 LEISURE HILL DR<br>LEISURE HILL |            |           |
| Map:                                         | Grid:    | Parcel:                                         | Sub District:                             | Subdivision: | Section:               | Block:               | Lot:                         | Assessment Year:                                  | Plat No:   |           |
| 0068                                         | 0008     | 0354                                            |                                           | 0000         |                        |                      | 6                            | 2017                                              | Plat Ref:  | 0068/0001 |
| Special Tax Areas:                           |          |                                                 |                                           |              | Town:                  |                      | NONE                         |                                                   |            |           |
|                                              |          |                                                 |                                           |              | Ad Valorem:            |                      |                              |                                                   |            |           |
|                                              |          |                                                 |                                           |              | Tax Class:             |                      |                              |                                                   |            |           |
| Primary Structure Built                      |          | Above Grade Enclosed Area                       |                                           |              | Finished Basement Area |                      | Property Land Area           |                                                   | County Use |           |
| 2001                                         |          | 5,945 SF                                        |                                           |              | 1000 SF                |                      | 2.3500 AC                    |                                                   | 04         |           |
| Stories                                      | Basement | Type                                            |                                           | Exterior     | Full/Half Bath         |                      | Garage                       | Last Major Renovation                             |            |           |
| 2 1/2                                        | YES      | STANDARD UNIT                                   |                                           | STUCCO       | 5 full/ 1 half         |                      | 1 Attached                   | 2000                                              |            |           |
| Value Information                            |          |                                                 |                                           |              |                        |                      |                              |                                                   |            |           |
|                                              |          |                                                 | Base Value                                |              | Value                  |                      | Phase-in Assessments         |                                                   |            |           |
|                                              |          |                                                 |                                           |              | As of                  |                      | As of                        |                                                   | As of      |           |
|                                              |          |                                                 |                                           |              | 01/01/2017             |                      | 07/01/2016                   |                                                   | 07/01/2017 |           |
| Land:                                        |          |                                                 | 385,900                                   |              | 385,900                |                      |                              |                                                   |            |           |
| Improvements                                 |          |                                                 | 968,400                                   |              | 952,100                |                      |                              |                                                   |            |           |
| Total:                                       |          |                                                 | 1,354,300                                 |              | 1,338,000              |                      | 1,354,300                    |                                                   | 1,338,000  |           |
| Preferential Land:                           |          |                                                 | 0                                         |              |                        |                      |                              |                                                   | 0          |           |
| Transfer Information                         |          |                                                 |                                           |              |                        |                      |                              |                                                   |            |           |
| Seller: GREENEBAUM MICHAEL I                 |          |                                                 |                                           |              | Date: 01/20/2015       |                      |                              | Price: \$0                                        |            |           |
| Type: NON-ARMS LENGTH OTHER                  |          |                                                 |                                           |              | Deed1: /35773/ 00001   |                      |                              | Deed2:                                            |            |           |
| Seller: LIPPMAN KENNETH                      |          |                                                 |                                           |              | Date: 04/12/1999       |                      |                              | Price: \$250,000                                  |            |           |
| Type: ARMS LENGTH VACANT                     |          |                                                 |                                           |              | Deed1: /13667/ 00452   |                      |                              | Deed2:                                            |            |           |
| Seller:                                      |          |                                                 |                                           |              | Date:                  |                      |                              | Price:                                            |            |           |
| Type:                                        |          |                                                 |                                           |              | Deed1:                 |                      |                              | Deed2:                                            |            |           |
| Exemption Information                        |          |                                                 |                                           |              |                        |                      |                              |                                                   |            |           |
| Partial Exempt Assessments:                  |          | Class                                           |                                           |              |                        | 07/01/2016           |                              | 07/01/2017                                        |            |           |
| 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 |          |                                                 |                                           |              |                        |                      |                              |                                                   |            |           |

2. Baltimore County is the official recorder of deeds for Baltimore County. It is the policy of Baltimore County to provide accurate and reliable information to the public. While we have confidence in

# 548 Leisure Hill Drive



Publication Date: 1/4/2017



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



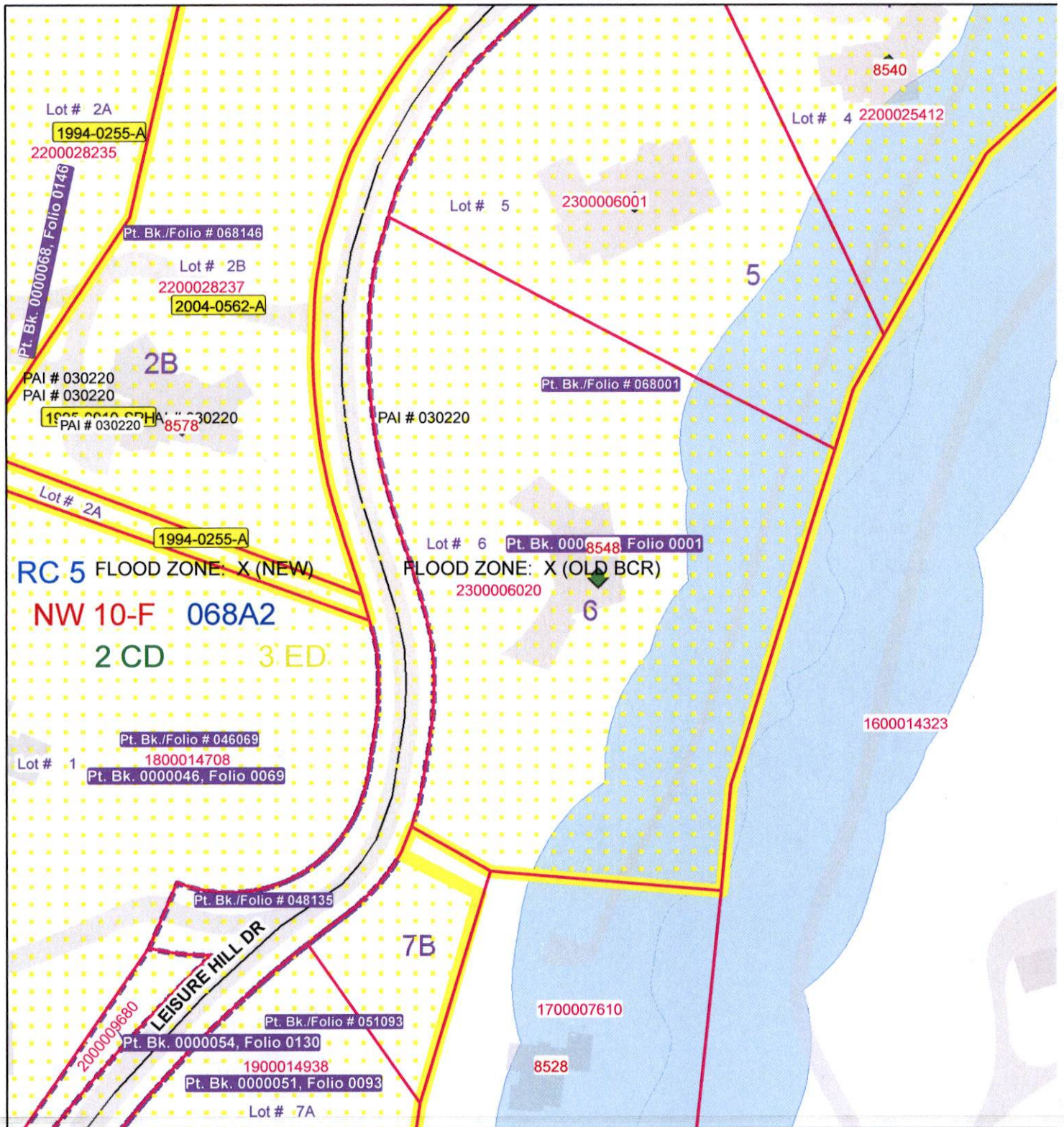
0 25 50 100 150 200 Feet

1 inch = 100 feet

Item #0174



## Possible Flood Hazard Area



Publication Date: 1/5/2017



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



0 25 50 100 150 200 Feet

1 inch = 100 feet

Item #0174



Prior zoning  
per case file  
207-474-A  
les  
2/2

IN RE: PETITION FOR VARIANCE  
W/S Leisure Hill Drive, 830' SW  
of the c/l Park Heights Avenue  
(8574 Leisure Hill Drive)  
3rd Election District  
3rd Councilmanic District  
  
Richard Alter, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-255-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the owners of the subject property, Richard and Rosalie Alter, by and through their attorney, Gary Huddles, Esquire. The Petitioners seek a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 38 feet and a side yard setback of 33 feet in lieu of the required 50 feet for each, and to amend the last approved Final Development Plan of Leisure Hill in accordance with Petitioner's Exhibits 1 and 2.

Appearing on behalf of the Petition were Richard Alter, owner, and his attorney, Gary Huddles, Esquire. Also appearing on behalf of the Petitioner were Joseph Larson, Registered Professional Engineer, Sydney M. Shure, Kitty Jenkins and Kristine Forsyth. There were no Protestants.

Testimony indicated that the subject property, known as 8574 Leisure Hill Drive, consists of 2.5466 acres, more or less, zoned R.C. 5 and is currently unimproved. Said property is also known as Lot 2A of Leisure Hill. The Petitioner is desirous of developing the property with a single family dwelling; however, due to the topography of the land and site constraints, the Petitioner has had difficulty placing a home on this lot. Testimony indicated that steep slopes restrict the location of the dwelling to the north and east of the existing building envelope. Thus,



the Petitioner seeks to amend the Final Development Plan of Leisure Hill in order to enlarge the existing building envelope, thereby necessitating the requested variances.

No testimony was offered in opposition to the Petitioner's request; however, the adjoining property owner, Ms. Catherine Jenkins, remarked that she would not be held responsible for the condition of the soils on Lot 2A due to the close proximity of the septic area serving her lot. Mr. Alter stated that he would issue a letter to Mr. & Mrs. Jenkins releasing them from any liability or responsibility for the condition of the soils found on Lot 2A.

It should also be noted that the Department of Environmental Protection and Resource Management (DEPRM) submitted comments dated January 11, 1994 in which they raise several issues concerning the proposed development. Mr. Joseph Larson testified that all concerns raised by DEPRM have been addressed and corrections made to the plan in accordance with Petitioner's Exhibit 1.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

1) *use zoning  
per site plan  
2017-0174-A*

*sep  
9/13*

|                                     |                             |
|-------------------------------------|-----------------------------|
| IN RE: PETITION FOR SPECIAL HEARING | * BEFORE THE                |
| SW/S Park Heights Avenue at         |                             |
| Leisure Hill Drive                  | * ZONING COMMISSIONER       |
| (Final Development Plan of          |                             |
| Leisure Hill - 6th Amendment)       | * OF BALTIMORE COUNTY       |
| 3rd Election District               |                             |
| 3rd Councilmanic District           | * <u>Case No. 95-10-SPH</u> |
| Sydney M. Shure                     | *                           |
| Petitioner                          |                             |
| * * * * *                           |                             |

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing filed by the owner of the property, Sydney M. Shure, to approve a sixth amendment to the previously approved final development plan of Leisure Hill to allow the addition of three (3) vested lots. The subject property and relief sought are more particularly described on the plat filed with the Petition entitled "Final Development Plan of Leisure Hill - 6th Amendment".

Appearing at the public hearing held on this matter were Sydney M. Shure, property owner, Joseph L. Larson, Registered Land Surveyor, Richard E. Matz, Professional Engineer, Marilyn Weiner and Andrzej Koplewski, a representative of Signet Bank. The Petitioner was represented by Cynthia Hitt, Esquire. Appearing as Protestants in the matter were Mr. & Mrs. Larry Jenkins, adjoining property owners. Mr. & Mrs. Jenkins were represented by J. Carroll Holzer, Esquire, who also represented Mr. & Mrs. Torollo and other neighboring property owners who did not appear.

Testimony and evidence offered revealed that the subject property consists of a gross area of 31.490 acres, more or less, zoned R.C. 5, and was approved for development as a single family residential subdivision in 1981. The original development plan for this subdivision, known as Leisure Hill, has undergone a number of revisions since it was initially approved

in March 1981. The Petitioner now comes before me seeking a sixth amendment to the last approved final development plan to permit the addition of three (3) lots which she believes were vested under the original plan.

However, prior to proceeding on the Petition, the Petitioner, through Counsel, raised a preliminary Motion that the Petition was unnecessary and that the relief requested thereunder was available to her by right. The Motion and reasons therefore are more fully set forth in Counsel's letter to this Zoning Commissioner dated September 1, 1994. The following represents a synopsis of the testimony offered and argument presented on said Motion, as well as my findings and ruling thereon.

In the early 1980s, development in Baltimore County was regulated by the Joint Subdivision Planning Committee (JSPC). That Committee was the predecessor to a development review committee, known as the County Review Group (CRG), which itself was replaced by the current development review process found in Title 26 of the Baltimore County Code. Development was originally proposed for this site and same was considered and processed by the JSPC. Pursuant to the site plan submitted into evidence as Petitioner's Exhibit 8, the JSPC approved a development plan for 11 individual lots in 1981. This residential community was known as Leisure Hill. The approval granted by the JSPC was authorized under the development regulations which existed at that time.

Subsequent to the JSPC approval, the Developer submitted to Baltimore County a final development plan (FDP) for this subdivision. FDPs are defined and regulated by Section 1B01.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). Essentially, a FDP is required to be submitted by a Developer in order to provide for the disclosure of development plans to prospective residents and to protect those who have made decisions based



**D.S. THALER & ASSOC., LLC**

Greenebaum Residence

Site Visit: January 5, 2017



Looking southwest from road towards address marker.



Looking east from driveway entrance off road towards existing house.

*Item # 0174*



**D.S. THALER & ASSOC., LLC**

Greenebaum Residence

Site Visit: January 5, 2017



Looking east from rear yard to steep slopes along the rear of the property.



Looking southeast from rear yard to steep slopes along the rear of the property.



**D.S. THALER & ASSOC., LLC**

Greenebaum Residence

Site Visit: January 5, 2017



Looking north towards neighbor's 8544 Leisure Hill residence.



Looking north towards landscape berm along property line with 8544 Leisure Hill.



**D.S. THALER & ASSOC., LLC**

Greenebaum Residence

Site Visit: January 5, 2017



Looking west toward road opposite neighbor's driveway entrance to 8578 Leisure Hill residence.



Looking east towards existing house.



**D.S. THALER & ASSOC., LLC**

Greenebaum Residence

Site Visit: January 5, 2017



Looking west opposite driveway towards neighbor at 8530 Park Heights.



Looking northeast towards existing house.

**D.S. THALER & ASSOC., LLC**

Greenebaum Residence

Site Visit: January 5, 2017



Looking southeast towards neighbor at 8528 Park Heights residence.



Then, for the reasons set forth above, I shall grant to part and deny to part the preliminary action filed by the petitioner, and I will disallow the petition for special hearing as inappropriate. In that lots 4, 5 and 6 were not part and parcel of the originally approved map of Leisure Hill, or the subsequent amendments thereto. However, I decline to issue any order voiding the petitioner's development rights for lots 4, 5 and 6, or requiring the State office to accept a TPO for those lots.

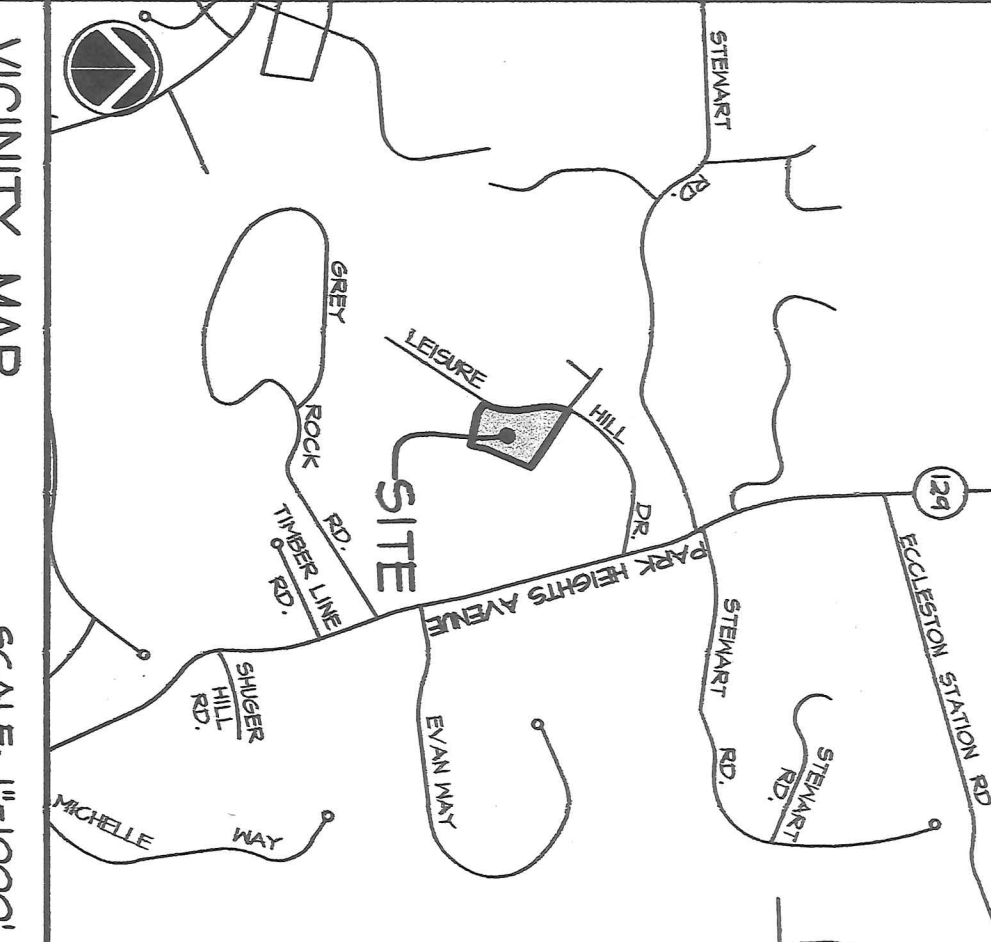
WHEREFORE, it is ordered by the zoning commission for Baltimore County that, on the 10th day of October, 1994 that the petition for special hearing seeking approval of a sixth amendment to the previously approved final development plan of Leisure Hill to allow the addition of three (3) wooded lots, be and is hereby dismissed.

Any appeal of this decision must be undertaken within the time with portions of law.

Leisure

*James S. Richter*  
James S. Richter  
Zoning Commissioner  
for Baltimore County

VICINITY MAP



SITE DATA

OWNER: MICHAEL GREENBAUM  
ADDRESS: 8548 LEISURE HILL DRIVE - LOT #6, Pikesville, 21209  
SUBDIVISION NAME: LEISURE HILL  
TAX MAP: 66, PARCEL 0854  
TAX ACCOUNT NO.: 2800006020  
TAX MAP: 66, PARCEL 0854  
EVALUATION: 10,000 S.F.  
CONCILIATION DISTRICT: 2ND.  
615 TLE: 066A2  
ZONING: RESIDENTIAL 30 WK 22  
KEY SHEET: PHE  
ACR MAP: MAP 25, GRID E6  
ZONING HISTORY: CASE NO. 1945-0010-SPH  
AREA OF LOT 6: 102,575 S.F. OR 2,354.6 AC.  
BUILDING COVERAGE: EXISTING: 5046 S.F. OR 4.6%  
THE SITE IS NOT LOCATED WITHIN A DEFICIENT ZONE FOR THE BALTIMORE COUNTY 2016 BASIC SERVICES TRANSPORTATION MAP ADOPTED 5/21/16 PER BILL 18-16.  
THE SITE IS SERVED BY PRIVATE WATER AND SEWER (WELL & SEPTIC).

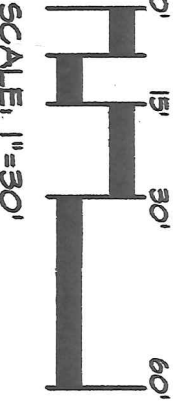
8548 LEISURE HILL

PLAT TO ACCOMPANY  
ADMINISTRATIVE  
ZONING PETITION



#2017-0174-A

*Michael Greenbaum*



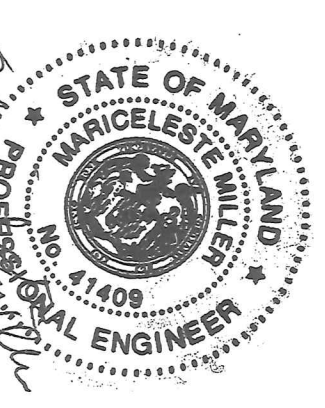
SCALE: 1"=30'

|                                                                                                                                 |                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| PROJECT NAME:<br><b>GREENBAUM RESIDENCE<br/>8548 LEISURE HILL DRIVE</b>                                                         | ADMINISTRATIVE ZONING PETITION FOR THE ADMINISTRATIVE LAM JUDGE TO APPROVE. |
| PLAN TITLE:<br><b>PLAT TO ACCOMPANY ADMINISTRATIVE ZONING PETITION</b>                                                          |                                                                             |
| CONCILIATION DIST. AND:<br><b>ELECTION DIST. AND:</b>                                                                           |                                                                             |
| OWNER/APPLICANT:<br><b>MICHAEL GREENBAUM<br/>8548 LEISURE HILL DRIVE<br/>P.O. BOX 47428<br/>BALTIMORE, MARYLAND 21244-1728</b>  |                                                                             |
| CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS,<br>LANDSCAPE ARCHITECTS & LAND PLANNERS<br><b>DSThaler &amp; ASSOCIATES, INC.</b> |                                                                             |
| DATE: 11-24-16<br>SCALE: 1"=30'<br>SHEET 1 OF 1                                                                                 |                                                                             |

**DSThaler & ASSOCIATES, INC.**  
CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS,  
LANDSCAPE ARCHITECTS & LAND PLANNERS  
1115 AHBASADOR ROAD  
P.O. BOX 47428  
BALTIMORE, MARYLAND 21244-1728  
www.dsthaler.com

DATE: 11-24-16  
SCALE: 1"=30'  
SHEET 1 OF 1

PROFESSIONAL CERTIFICATION  
I HEREBY CERTIFY THAT THESE  
DOCUMENTS WERE PREPARED OR  
REVIEWED BY ME OR UNDER MY  
DIRECT SUPERVISION AND THAT I AM  
A DULY LICENSED PROFESSIONAL  
ENGINEER IN THE STATE OF MARYLAND  
4400 EXPIRATION DATE 01-01-2016.



125.428.1