

MEMORANDUM

DATE: December 10, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0247-A- Appeal Period Expired

The appeal period for the above-referenced cases expired on December 9, 2020. 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
(1320 Birch Avenue) *
13th Election District * OFFICE OF ADMINISTRATIVE
1st Council District *
Edward R. Luers, 3rd & Jennifer L. Luers * HEARINGS FOR
Petitioners * BALTIMORE COUNTY
* CASE NO. 2020-0247-A

* * * * *

AMENDED

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Edward R. Luers, 3rd and Jennifer L. Luers (“Petitioners”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”) § 400.1 to approve an accessory structure located in the third area of the rear yard not furthest removed from any street. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted by any of the County reviewing agencies. However, it is to be noted that three (3) letters of support were received from neighbors residing at 1325 Poplar Avenue and 1318 and 1324 Avenue, all of whom had no objections to Petitioners’ zoning request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 18, 2020, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 11/19/20
By D. Mignone

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

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code ("BCC"). 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 BCZR. Furthermore, strict compliance with the BCZR 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 BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 9th day of **November, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR") § 400.1 to approve an accessory structure located in the third area of the rear yard not furthest removed from any street, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

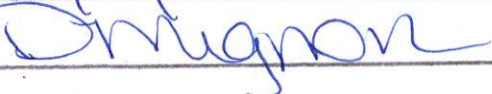
- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners or subsequent owners shall not convert the accessory structure (garage) into a dwelling unit or apartment. The accessory structure (garage) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

ORDER RECEIVED FOR FILING

Date

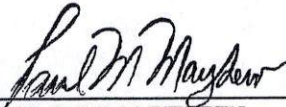
11/9/20

By



- The accessory structure (garage) shall not be used for commercial purposes.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

ORDER RECEIVED FOR FILING

Date 11/9/20
By [Signature]

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
(1320 Birch Avenue) *
13th Election District * OFFICE OF ADMINISTRATIVE
1st Council District *
Edward R. Luers, 3rd & Jennifer L. Luers * HEARINGS FOR
Petitioners *
* BALTIMORE COUNTY
* CASE NO. 2020-0247-A

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ORDER RECEIVED FOR FILING

Date 11-9-2020

By [Signature]

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

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code ("BCC"). 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 BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners or subsequent owners shall not convert the accessory structure (garage) into a dwelling unit or apartment. The accessory structure (garage) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

ORDER RECEIVED FOR FILING

Date 11-9-2020

2

By [Signature]

- The accessory structure (pool house) shall not be used for commercial purposes.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

ORDER RECEIVED FOR FILING

Date 11-9-2020

By EW



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 1320 Birch Ave Currently zoned DRS.5
Deed Reference 11992 / 00047 10 Digit Tax Account # 1319450070
Owner(s) Printed Name(s) Edward + Jennifer Luers

(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)

BCZR 400.1 To approve an accessory structure located in the 1/3 area of the rear yard not furthest removed from any street

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 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.

I/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):

Edward R Luers III , Jennifer L Luers
Name #1 – Type or Print Name #2 – Type or Print

[Signature] , [Signature]
Signature #1 Signature #2

1320 Birch Ave Baltimore MD
Mailing Address City State

21221 , 410 242 0501 , erluers@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, this 11 day of September, 2020 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 2020-0247-A Filing Date 10/5/2020 Estimated Posting Date 11/2/2020 Reviewer CF

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: 1320 Birch Ave Halethorpe MD 21227
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 Attached

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

Edward R Luers III
Signature of Owner (Affiant)

Edward R Luers III
Name- Print or Type

Jennifer L Luers
Signature of Owner (Affiant)

Jennifer L Luers
Name- Print or Type

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

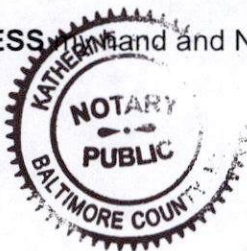
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of Sept, 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Dorthea Ann Letz

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

AS WITNESS, my hand and Notaries Seal



Katherine Ann Letz
Notary Public

1/18/2022
My Commission Expires

2020-0247-A

Affidavit in Support of Administrative Variance

This notarized affidavit confirms that Edward and Jennifer Luers own and have occupied the described property at 1320 Birch Ave Halethorpe MD 21227 since January 1997. We, Edward and Jennifer are petitioning the Baltimore County Zoning review board to grant a variance and allow a one story two car garage (20' x 20') to be constructed in the backyard at 1320 Birch Ave Halethorpe MD 21227. I, Edward Luers have lived on this street for 49 years, 26 years at 1318 Birch Ave and 23 years at currently at 1320 Birch Ave.

In reviewing the criteria for a variance, it asks for the petitioner to prove why the property is unique and different from surrounding properties. We are not asking to be different from any of the surrounding properties. We are asking to be the same as our neighbors listed at 1324 Birch Ave and 1329 Poplar Ave. These two properties which are also corner lots already have garages located on their properties closest to Center Street. The garage to be constructed would be facing Center Street, which is a small street that joins Birch Ave and Poplar Ave. There are only 4 houses that are corner lots and border Center Street, none of which face it. I do not understand why I am being asked to construct a garage on my property on the third of my lot furthest from the street which would be different from the properties at 1324 Birch and 1329 Poplar. The property at 1324 Birch Ave has a garage facing Center Street that is located on the property closest to Center Street only 18 feet from the roadway. The property located at 1329 Poplar Ave has a garage facing Center Street and is also located on the property closer to Center Street only 18 feet from the roadway. Secondly, constructing a garage on the property furthest from the street would mean putting in a driveway all the way across my backyard, costing several thousand more dollars. Also, the rest of the backyard would be useless for anything else other than a driveway. The property at 1325 Poplar Ave does not have a garage only a small shed. The property at 1318 Birch Ave is my neighbor to the west which does not border Center Street.

The attached thirteen pictures show the existing conditions of the property at 1318, 1320, 1324 Birch Ave, and 1325, 1329 Poplar Ave. I have talked with all three of my surrounding neighbors and discussed the possible construction of a garage in my yard. All three of them have agreed that they would not be opposed to the construction (see 3 attached letters).

Picture #1 – Overhead shot of the houses at 1318, 1320, 1324 Birch and 1325 and 1329 Poplar Ave and Center Street as it connects Birch Ave with Poplar Ave.

Picture #2 – Picture from Center St of the garage at 1324 Birch Ave. The garage sits 18 feet from Center Street.

Picture #3 – Overhead shot of the property at 1324 Birch Ave with house and garage.

Picture #4 – Picture from Center Street of garage at 1329 Poplar Ave. The garage is 18 feet from the road.

Picture #5 – Overhead shot of the property at 1329 Poplar Ave with house and garage.

Picture #6 – Overhead view of property at 1318 Birch Ave.

Picture #7 – Front view of the property at 1318 Birch Ave with house and garage.

Picture #8 – Overhead view of property at 1325 Poplar Ave.

Picture #9 – Overhead view of property at 1320 Birch Ave.

Picture #10 – View from front of property at 1320 Birch Ave.

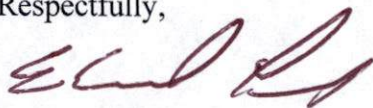
Picture #11 – View from rear of property at 1320 Birch Ave. The pool was removed some time ago. This is the proposed site of the garage.

2020-0247-A

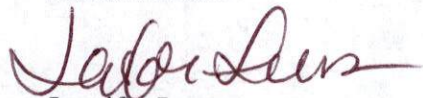
Picture #12 – View from side of the property at 1320 Birch Ave. The pool was removed some time ago. This is the proposed site of the garage.

If there are any questions, please do not hesitate to contact Jennifer or I at 410-242-0501.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Edward Luers', with a stylized, flowing script.

Edward Luers

A handwritten signature in dark ink, appearing to read 'Jennifer Luers', with a stylized, flowing script.

Jennifer Luers

2020-0247-A

Zoning Property Description

Part A: Zoning property description for 1320 Birch Ave Halethorpe MD 21227, beginning at a point on the north east side of Birch Ave which is 40 feet wide at a distance of 553 feet south east of the centerline of the nearest improved intersecting street, Highview Road which is 34 feet wide.

Option 2: (Subdivision Lot – lot is part of record plat):

Being lot # 230 in the subdivision of Linden Heights in Baltimore County plat book # 7, folio #132, containing 5,974 square feet, located in the 13th election district and 1st Council district.

2020-0247-A

Zoning Property Description

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Being lot # 230 in the subdivision of Linden Heights in Baltimore County plat book # 7, folio #132, containing 5,974 square feet, located in the 13th election district and 1st Council district.

2020-0247-A

COUNTYWIDE POSTING



TO: Edward Luers Jr.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

FROM: MARTIN OGLE

ADDRESS POSTED: 1320 Birch Ave.

INVOICE NO. 0247-A

SIGN TYPE/NUMBER OF SIGNS

ADMINISTRATIVE VARIANCE 2

MINOR SUBDIVISION _____

ZONING HEARING _____

USE PERMIT _____

PIER/MOORING _____

BUILDING PERMIT _____

FENCE WAIVER _____

CIM _____

HOH _____

OTHER _____

TOTAL AMOUNT DUE \$ 125.00

MAKE CHECK PAYABLE TO:

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE MD, 21234

THANK YOU,

Martin Ogle 10/28/2020

CERTIFICATE OF POSTING



CASE NO. 2020-0247-A

PETITIONER/DEVELOPER

JOHN A. OLSZEWSKI, JR.

County Executive

Edward Luers

Jennifer Luers

DATE OF HEARING/CLOSING

November 2, 2020

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

1320 Birch Ave

SIGN 1

THE SIGN(S) POSTED ON October 18, 2020
(MONTH, DAY, YEAR)

SINCERLEY ,

MARTIN OGLE

MARTIN OGLE
9912 MAIDBROOK RD.
PARKVILLE ,MD 21234
443-629-3411



CERTIFICATE OF POSTING



CASE NO. 2020-0247-A

PETITIONER/DEVELOPER

JOHN A. OLSZEWSKI, JR.
County Executive

Edward Luers

Jennifer Luers

DATE OF HEARING/CLOSING

November 2, 2020

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION:

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THE PROPERTY LOCATED AT

1320 Birch Ave

SIGN 2

THE SIGN(S) POSTED ON October 18, 2020
(MONTH, DAY, YEAR)

SINCERLEY ,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE ,MD 21234

443-629-3411



BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 0247 -A Address 1320 Birch Ave
Contact Person: Christina Frank Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10-5-2020 Posting Date: 10-18-2020 Closing Date: 11-2-2020

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 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 a neighbor (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 Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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 2020- 0247 -A Address 1320 Birch Ave
Petitioner's Name Edward Luers Jennifer Luers Telephone 410-242-0501
Posting Date: 10-18-2020 Closing Date: 11-2-2020
Wording for Sign: To Permit an accessory structure located in the
1/3 area of the rear yard not furthest removed from
any street

Revised 2/20/2020



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

November 2, 2020

Edward R Luers & Jennifer L Luers,
1320 Birch Ave
Baltimore MD 21227

RE: Case Number: 2020-0247-A, 1320 Birch Ave

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 24, 2020. 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, appearing to read "W. Carl Richards, Jr.", is written over the words "Very truly yours,".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

October 22, 2020

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Administrative Variance 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. 2020-0247-A

Edward & Jennifer Luers
1320 Birch Ave.

If there are any questions, please contact Mr. Steven Autry at 410-229-2335, or toll free (in Maryland only) at 1-800-735-2258 (x2335), or via email at sautry@mdot.maryland.gov

Sincerely,


Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

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

DEPS

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

FIRE DEPARTMENT

PLANNING

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

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

Ltrs. from 3 owners (2 on Birch Ave. + 1 on Poplar Ave.)

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING (1st)Date: 10-18-20 by OgleSIGN POSTING (2nd)

Date: _____ by _____

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

ZAC AGENDA

Case Number: 2020-0247-A **Reviewer:** Christina Frink
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Edward & Jennifer Luers
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 13 **Council Dist:** 1

Property Address: 1320 BIRCH AVE

Location: North East side of Birch Ave 553 feet South East of Highview Road.

Existing Zoning: DR 5.5 **Area:** 5,974 SQ FT

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.1 To approve an accessory structure located in the 1/3 area of the rear yard not furthest removed from any street.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 11/02/2020



Miscellaneous Notes:

Case Number: 2020-0248-A **Reviewer:** Aaron Tsui
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Irvin Naiman
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

Property Address: 2705 GEARTNER RD

Location: South side of Geartner Road 175 feet West of the center line of Maurleen.

Existing Zoning: DR 5.5 **Area:** 10,750 SQ FT

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

1B02.3.C.1 (1955-70) BCZR Regulations To permit a proposed addition on side of the existing dwelling with a side yard setback of 6 feet in lieu of the required 8 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 11/02/2020

Miscellaneous Notes:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 13 Account Number - 1319450070		
Owner Information		
Owner Name:	LUERS EDWARD R 3RD LUERS JENNIFER L	Use: Principal Residence: RESIDENTIAL YES
Mailing Address:	1320 BIRCH AVE BALTIMORE MD 21227-2625	Deed Reference: /11992/ 00047
Location & Structure Information		
Premises Address:	1320 BIRCH AVE 0-0000	Legal Description: LT 230,231 PT 232 1320 BIRCH AVE NES LINDEN HEIGHTS
Map:	Grid:	Parcel:
0108	0005	0658
Neighborhood:	Subdivision:	Section:
13030046.04	0000	
Block:	Lot:	Assessment Year:
	230	2019
Plat No:	Plat Ref: 0007/ 0132	
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1955	1,544 SF	
Property Land Area	County Use	
5,974 SF	04	
Stories	Basement	Type
1 1/2	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
SIDING/	4	1 full
Garage		
Last Notice of Major Improvements		
Value Information		
	Base Value	Value
		As of
		01/01/2019
		As of
		07/01/2020
		As of
		07/01/2021
Land:	57,100	57,100
Improvements	144,700	158,300
Total:	201,800	215,400
Preferential Land:	0	0
Transfer Information		
Seller: SECRETARY OF HOUSING & Type: NON-ARMS LENGTH OTHER	Date: 01/16/1997 Deed1: /11992/ 00047	Price: \$104,600 Deed2:
Seller: CIEPIELA MARTIN Type: NON-ARMS LENGTH OTHER	Date: 10/15/1996 Deed1: /11848/ 00187	Price: \$138,000 Deed2:
Seller: DOLAN JOSEPH W Type: ARMS LENGTH IMPROVED	Date: 08/04/1993 Deed1: /09930/ 00740	Price: \$118,000 Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	
County:	000	07/01/2020
State:	000	0.00
Municipal:	000	0.00
		0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Approved 10/16/2012		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

2
Baltimore County Department of Permits

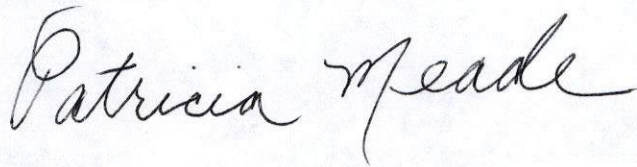
111 West Chesapeake Avenue

Towson, Maryland 21220

To Whom It May Concern:

My name is Patricia Meade. I live at 1325 Poplar Avenue, Halethorpe, Maryland 21227. I have been Edward and Jennifer's neighbor for more than 25 years. My backyard backs up to Ed and Jennifer's backyard. I am not opposed to them having a garage constructed in their backyard. I can be reached at 410-247-5468 if you have any questions.

Respectfully,



Patricia Meade

2020-0247-A

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 13 Account Number - 1307000080		
Owner Information		
Owner Name:	MURRAY PATRICIA M	Use: RESIDENTIAL
Mailing Address:	1325 POPLAR AVE BALTIMORE MD 21227-2670	Principal Residence: YES Deed Reference: /24726/ 00248
Location & Structure Information		
Premises Address:	1325 POPLAR AVE BALTIMORE 21227-2670	Legal Description: LT 118,119 PT 120 SW COR CENTER ST LINDEN HEIGHTS
Map: 0108	Grid: 0005	Parcel: 0658
Neighborhood: 13030046.04	Subdivision: 0000	Section: 118
Block: 2019	Lot: 118	Assessment Year: 2019
Plat No: 0007/ 0132		Plat Ref: 0007/ 0132
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1929	1,480 SF	Property Land Area
		5,250 SF
County Use		04
Stories	Basement	Type
2	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
ASBESTOS SHINGLE/	4	2 full
Garage	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of 01/01/2019
Land:	56,400	56,400
Improvements	111,700	129,700
Total:	168,100	186,100
Preferential Land:	0	180,100
		186,100
		0
Transfer Information		
Seller: MURRAY ARTHUR L	Date: 11/06/2006	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /24726/ 00248	Deed2:
Seller: MURRAY ARTHUR L	Date: 05/04/1987	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07525/ 00036	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Approved 05/26/2009		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

①

Baltimore Co Office Building
Baltimore Co Dept of Permits
Appraisals & Inspections
111 W. Chesapeake Ave #105
Towson, Md 21204.
September 18, 2020

To whom it may concern:

My name is Patricia Wheeler. I live at 1324 Birch Ave, Arbutus, Md. I have lived in my home for over 40 years and have been the next door neighbor to Mr. and Mrs. Ed Leurs at 1320 Birch Ave since they moved in approximately 20 years ago.

I have no exception to the addition of a garage behind their house. They keep their property in exceptional condition and a garage will only add to the appearance of their property and the neighborhood.

I can be reached at 410-247-2290 if you have any questions.

Thank you.

Patricia A. Wheeler

Patricia Wheeler

Sent from my iPhone

2020-0247-A

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 13 Account Number - 1311350060		
Owner Information		
Owner Name:	WHEELER PATRICIA A	Use: RESIDENTIAL
Mailing Address:	1324 BIRCH AVE BALTIMORE MD 21227	Principal Residence: YES Deed Reference: /37305/ 00389
Location & Structure Information		
Premises Address:	1324 BIRCH AVE BALTIMORE 21227	Legal Description: LT 234,235 PT 233 NE COR CENTER ST LINDEN HEIGHTS
Map: 0108	Grid: 0005	Parcel: 0658
Neighborhood: 13030046.04	Subdivision: 0000	Section: 234
Block: 2019	Assessment Year: 2019	Plat No: 0007/ 0132
Town: None		
Primary Structure Built: 1928	Above Grade Living Area: 1,240 SF	Finished Basement Area: 5,674 SF
Property Land Area: 04	County Use: 04	
Stories: 2	Basement: YES	Type: STANDARD UNIT
Exterior: SIDING/	Quality: 4	Full/Half Bath: 1 full/ 1 half
Garage: 1 Detached	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of 01/01/2019
		As of 07/01/2020
		As of 07/01/2021
Land:	56,800	56,800
Improvements	113,600	134,200
Total:	170,400	191,000
Preferential Land:	0	0
Transfer Information		
Seller: WHEELER CHARLES L	Date: 03/22/2016	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /37305/ 00389	Deed2:
Seller: KIRK JAMES C	Date: 10/15/1980	Price: \$45,000
Type: ARMS LENGTH IMPROVED	Deed1: /06217/ 00527	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture: None		0.00 0.00
Homestead Application Information		
Homestead Application Status: Approved 02/15/2012		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

③
Sept. 8, 2020
1318 Birch Ave
Halithorpe, Md 21227

To Whom It May Concern,

As nextdoor neighbors
to Ed and Jennifer Lurs for 23 years,
we are not opposed in any way
to them having a garage on the
property at 1320 Birch Ave.

We have lived here for
48 years this past August. We
are definitely unopposed to the
construction of a garage on the
property at 1320 Birch Ave.

Most sincerely,
Beverly A. Lurs

2020-0247-A

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 13 Account Number - 1318101240		
Owner Information		
Owner Name:	LUERS EDWARD R JR LUERS BEVERLY A	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	1318 BIRCH AV BALTIMORE MD 21227	Deed Reference: /05292/ 00099
Location & Structure Information		
Premises Address:	1318 BIRCH AVE BALTIMORE 21227	Legal Description: LT 227,228,229 60 N CENTER STREET LINDEN HEIGHTS
Map: 0108	Grid: 0005	Parcel: 0658
Neighborhood: 13030046.04	Subdivision: 0000	Section: 227
Block: 2019	Lot: 2019	Assessment Year: 0007/ 0132
Plat No: 0007/ 0132		
Town: None		
Primary Structure Built: 1926	Above Grade Living Area: 1,664 SF	Finished Basement Area: 6,300 SF
Property Land Area: 04	County Use: 04	
Stories: 2	Basement: YES	Type: STANDARD UNIT
Exterior: ASBESTOS SHINGLE/ FRAME	Quality: 4	Full/Half Bath: 1 full
Garage: 1 Detached	Last Notice of Major Improvements:	
Value Information		
	Base Value	Value
		As of 01/01/2019
Land:	57,500	57,500
Improvements:	113,300	131,300
Total:	170,800	188,800
Preferential Land:	0	182,800
		188,800
		0
Transfer Information		
Seller: RENNER WALTER F,JR	Date: 08/16/1972	Price: \$20,000
Type: ARMS LENGTH IMPROVED	Deed1: /05292/ 00099	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Approved 11/06/2012		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

Poplar Ave

Birch Ave

#1-2020-0247-A

1329

1324

1325

1320

1318

#1

Center

1-50-090-1

1944-45

1948

1950

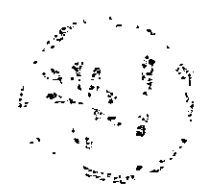
1954

1957

1952

1953

1944-45

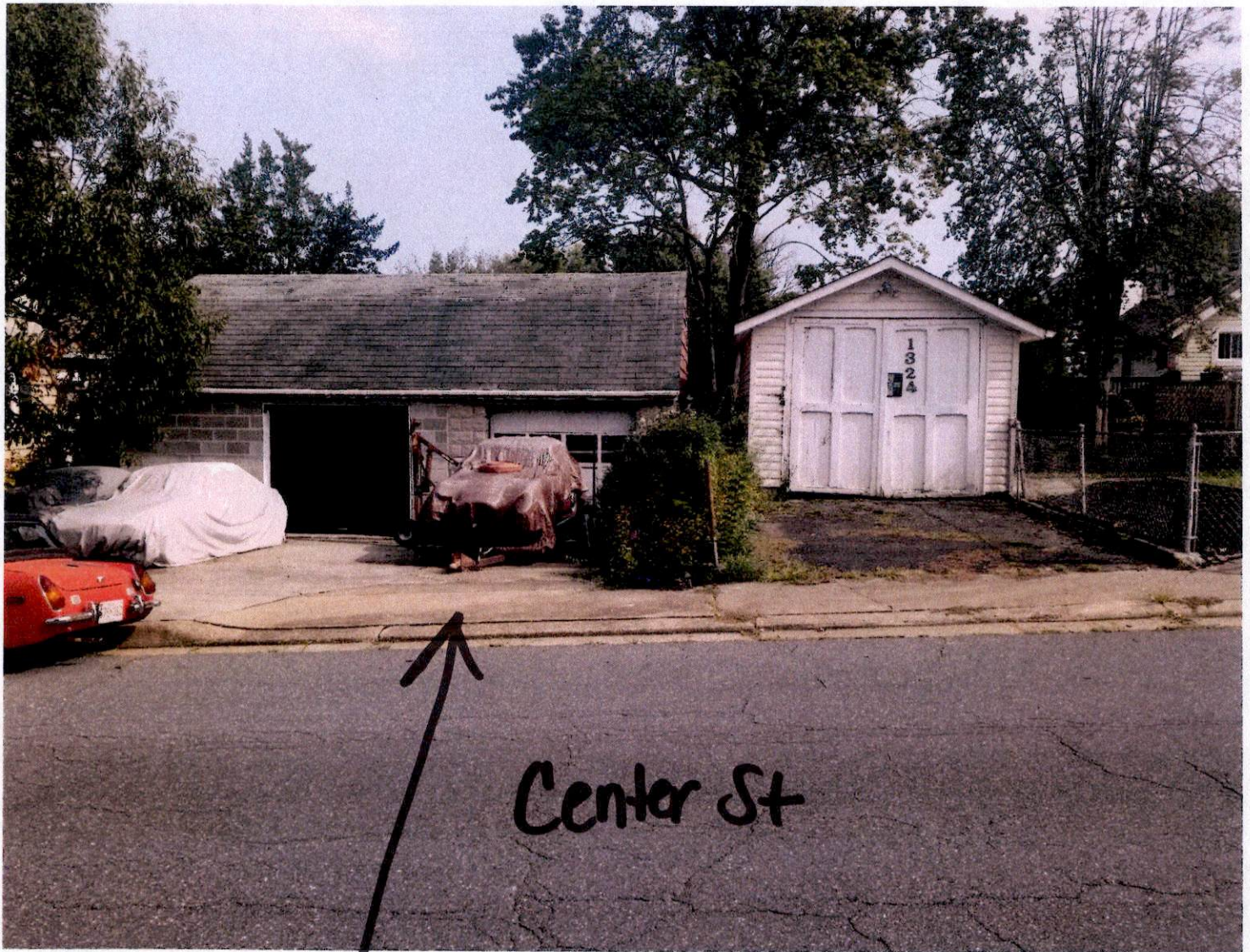




Picture #2 – Shows the property clearly marked at 1324 Birch Ave having a garage on the property closest to Center Street.



Picture #3 – Overhead shot of the property at 1324 Birch Ave with house and garage.



Picture #4 – Shows the property at 1329 Poplar Ave having a garage on the property closest to Center Street. Although the picture shows two garages, the garage on the left is 1329 Poplar Ave indicated with an arrow.

2020-0247-A



Picture #5 – Overhead shot of the property at 1329 Poplar Ave with house and garage.

7070-090-7

1954
1954



Picture #6 – Overhead shot of the property at 1318 Birch Ave with house and garage.

2020-0247-A



Picture #7 – Front view of the property at 1318 Birch Ave with house and garage.



Picture #8 – Overhead view of property at 1325 Poplar Ave.

2020-07-14

10/10/20
13/10



Picture #9 – Overhead view of property at 1320 Birch Ave.

100-000000

100-000000



Picture #10 – View from front of property at 1320 Birch Ave.

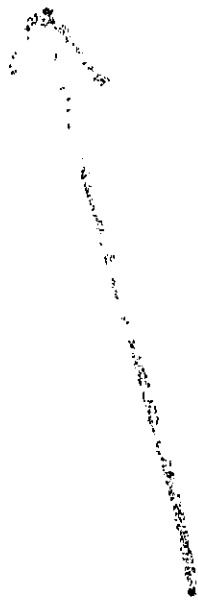


Picture #11 – View from rear of property at 1320 Birch Ave. The pool was removed some time ago. This is the proposed site of the garage.

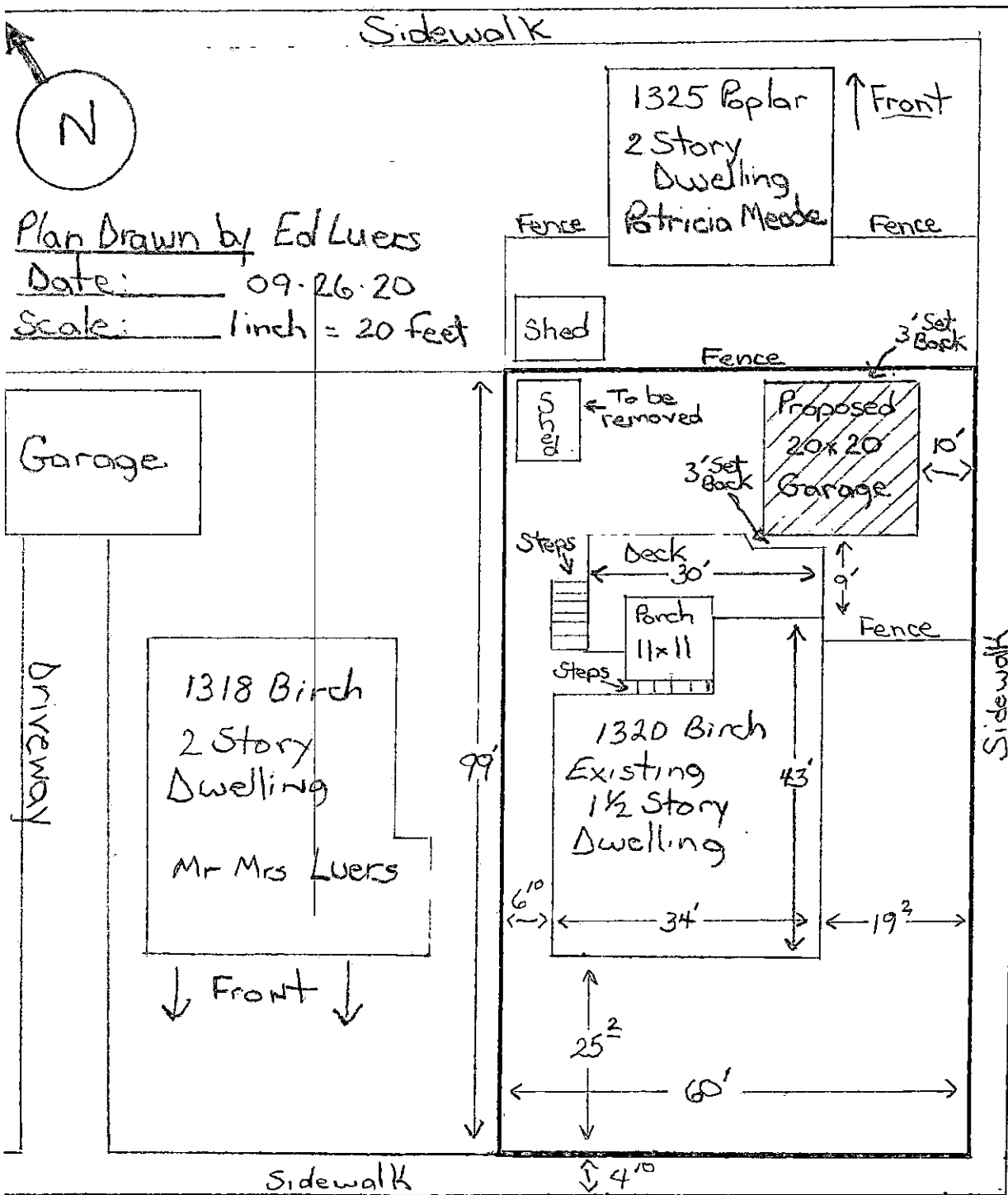


Picture #12 – View from side of the property at 1320 Birch Ave. The pool was removed some time ago. This is the proposed site of the garage.

0281
1250
0319

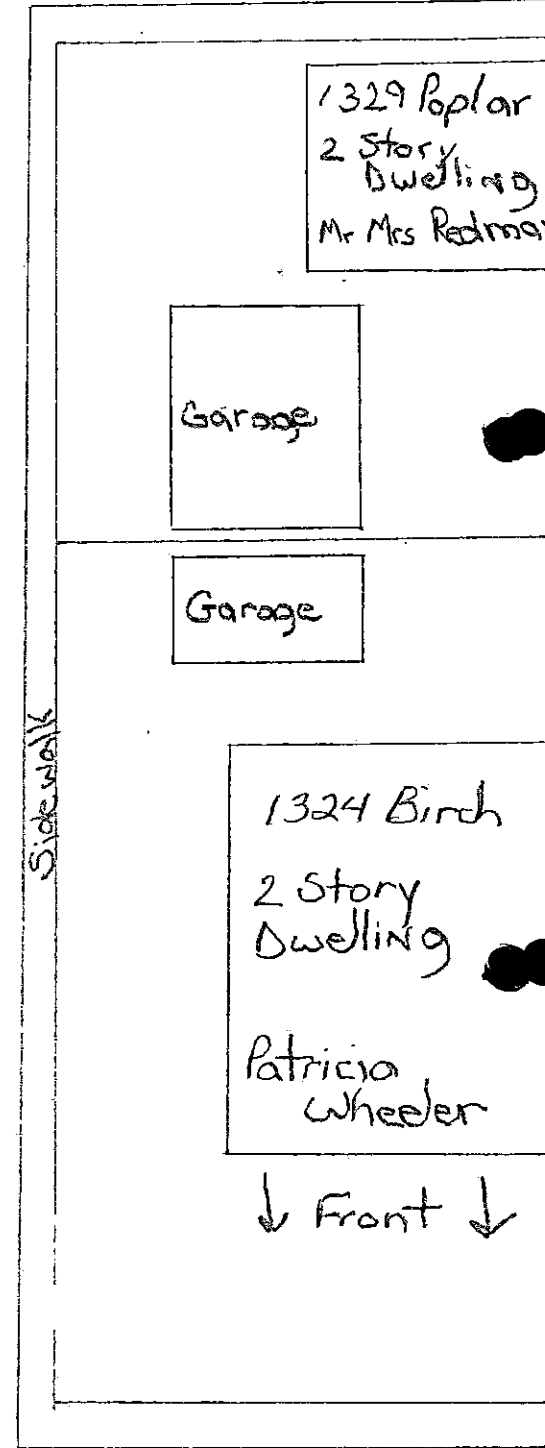


1.11.40-0.606



Birch Ave

Center Street



2020-0247-A



2020-09-14

Real Property Data Search (w3)

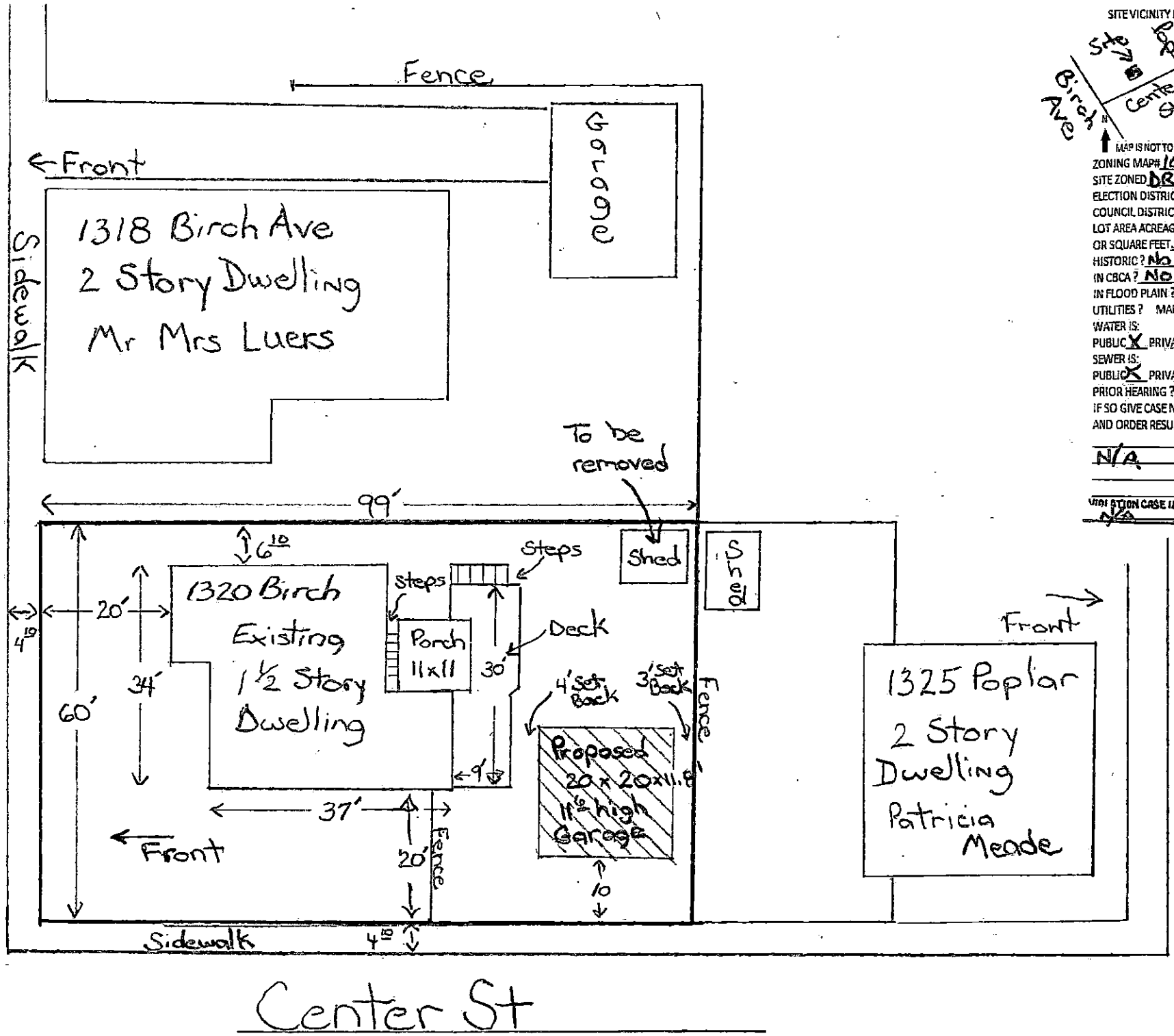
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:	District - 13 Account Number - 1319450070	
Owner Information		
Owner Name:	LUERS EDWARD R 3RD LUERS JENNIFER L	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	1320 BIRCH AVE BALTIMORE MD 21227-2625	Deed Reference: /11992/ 00047
Location & Structure Information		
Premises Address:	1320 BIRCH AVE 0-0000	Legal Description: LT 230,231 PT 232 1320 BIRCH AVE NES LINDEN HEIGHTS
Map:	Grid:	Parcel:
1018	0005	0658
Neighborhood:	Subdivision:	Section:
13030046.04	0000	
Block:	Lot:	Assessment Year:
	230	2019
Plat No:		Plat Ref:
0007/		0132
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1955	1,544 SF	5,974 SF
Property Land Area	County Use	
04		
Stories	Basement	Type
1 1/2	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
SIDING/	4	1 full
Garage	Last Notice of Major Improvements	
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2019	07/01/2020
Land:	57,100	57,100
Improvements	144,700	158,300
Total:	201,800	215,400
Preferential Land:	0	0
Transfer Information		
Seller: SECRETARY OF HOUSING & Type: NON-ARMS LENGTH OTHER	Date: 01/16/1997 Deed1: /11992/ 00047	Price: \$104,600 Deed2:
Seller: CIEPIELA MARTIN Type: NON-ARMS LENGTH OTHER	Date: 10/15/1996 Deed1: /11848/ 00187	Price: \$138,000 Deed2:
Seller: DOLAN JOSEPH W Type: ARMS LENGTH IMPROVED	Date: 08/04/1993 Deed1: /09930/ 00740	Price: \$118,000 Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Approved 10/16/2012		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

2020-0247-A

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
ADDRESS 1320 Birch Ave OWNER(S) NAME(S) Ed Jen Luers
SUBDIVISION NAME Linden Heights LOT # 230 BLOCK # NA SECTION # NA
PLAT BOOK # FO FOLIO # 10 DIGIT # TAX DEED REF. #
0007 - 0132 - 1319450070 - 11992/00047

Birch Ave



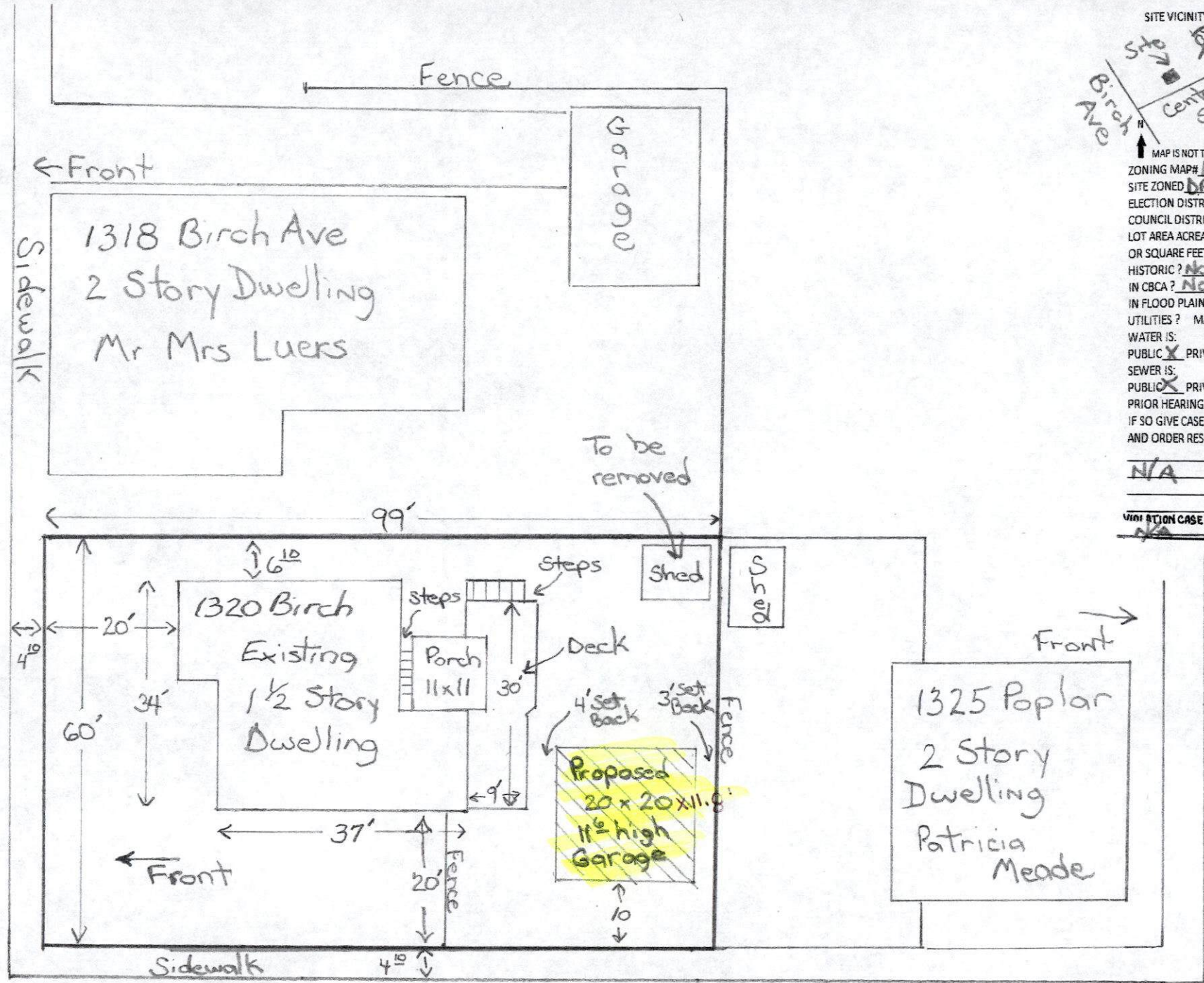
SITE VICINITY MAP
MAP IS NOT TO SCALE
ZONING MAP# 10801
SITE ZONED DRS.5
ELECTION DISTRICT 13
COUNCIL DISTRICT 1
LOT AREA ACREAGE 0.14
OR SQUARE FEET 5974
HISTORIC? No
IN CBCA? No
IN FLOOD PLAIN? No
UTILITIES? MARK WITH
WATER IS: PUBLIC ☒ PRIVATE ☐
SEWER IS: PUBLIC ☒ PRIVATE ☐
PRIOR HEARING? No
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
N/A
VIOLATION CASE INFO:
N/A

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING ☐ (MARK TYPE REQUESTED WITH X)
 ADDRESS 1320 Birch Ave OWNER(S) NAME(S) Ed Jen Luers
 SUBDIVISION NAME Linden Heights LOT # 230 BLOCK # NA SECTION # NA
 PLAT BOOK # 0007 - 0132 - 1319450010 - 11992/00047

SITE VICINITY MAP

MAP IS NOT TO SCALE
 ZONING MAP# 108C1
 SITE ZONED DR 5.5
 ELECTION DISTRICT 13
 COUNCIL DISTRICT 1
 LOT AREA ACREAGE 5974
 OR SQUARE FEET
 HISTORIC? No
 IN CBCA? No
 IN FLOOD PLAIN? No
 UTILITIES? MARK WITH
 WATER IS: PUBLIC ☒ PRIVATE ☐
 SEWER IS: PUBLIC ☒ PRIVATE ☐
 PRIOR HEARING? No
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW
N/A
 VARIATION CASE INFO:
N/A

Birch Ave



Center St

Pet. Exh. A
 2020-0247-A