JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

September 14, 2021

RECEIVED
SEP 14 2021
BALTIMORE COUNTY
BOARD OF APPEALS

Dino LaFiandra, Esquire – dcl@lafiandralaw.com

RE: **APPEAL** - Petition for Variance
Case No. 2021-0109-A
Property: 11 Lynbrook Road

Dear Mr. LaFiandra:

Please be advised that an appeal of the above-referenced case was filed in this Office on September 14, 2021. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

c: Baltimore County Board of Appeals
People's Counsel
Wai-Yi Lau and Jenni Lau – wai421@gmail.com
Patrick Richardson - rick@richardsonengineering.net

APPEAL

Petition for Variance
Case No.: 2021-0109-A
Lucky Star, LLC
11 Lynbrook Road
15th Election District, 7th Council District

Petition for Variance – April 20, 2021

Zoning Description of Property – 1 sheet

Notice of Zoning Hearing (Webex) – June 10, 2021

Certification of Publication – (Daily Record) – June 16, 2021

Certification of Posting by Sgt. Robert Black on June 16, 2021 & July 3, 2021

Entry of Appearance by People's Counsel – May 26, 2021

Attendance Report (7 pg.)

Zoning Advisory Committee Comments: 4 pgs.

Petitioner's Exhibits:

1. Site Plan
2. Aerial Photo
3. Site Photos
4. Critical Area Map

Protestant's Exhibits: None

Miscellaneous: SDAT, ZAC Agenda, Email regarding exhibits, ltr from Dino regarding exhibits

Cover Letter and Administrative Law Judge Murphy's Opinion and Order – July 20, 2021 – Granted with Conditions – 5 pgs.

Motion for Clarification/Motion for Reconsideration from Pete Zimmerman dated August 9, 2021

Response to Motion for Reconsideration filed by Dino La Fiandra dated 8/11/2021

Pete Zimmerman's Response to Dino's Response dated 8/13/2021 along with an email to accept a mathematic correction

Order – Motion for Reconsideration dated 9/9/21 –(9 pages)

Notice of Appeal – Received on 9/14/21 – from People's Counsel

Cashier's Receipt – N/A

Donna Mignon

From: Rebecca Wheatley
Sent: Tuesday, September 14, 2021 1:59 PM
To: Administrative Hearings
Cc: 'Dino La Fiandra'; Rick@richardsonengineering.net; Steve Lafferty; Jeffrey N Perlow; Peter Gutwald
Subject: Lucky Star LLC - 11 Lynbrook Road - Case No.: 2021-109-A
Attachments: 20210914134625212.pdf

Good Afternoon,

Attached for filing, please find our office's letter of appeal in the above-mentioned case.

Thank you for your consideration.

Rebecca M. Wheatley, Legal Secretary
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2189 Direct Dial
(410) 887-2188 Office
(410) 823-4236 Fax

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

September 14, 2021

SENT VIA EMAIL TO: AdministrativeHearings@baltimorecountymd.gov
Paul Mayhew, Managing Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED
SEP 14 2021
BALTIMORE COUNTY
BOARD OF APPEALS

RE: Lucky Star, LLC
11 Lynbrook Road
Case No.: 2021-109-A

Dear Judge Mayhew:

Please enter this *de novo* appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the final Order on Motion for Reconsideration dated September 9, 2021 by the Baltimore County Administrative Law Judge in the above-entitled case. This appeal also challenges the Opinion and Order dated July 20, 2021, in that it was not modified or reversed, and thereby was perpetuated and sustained in the final order.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Dino LaFiandra, Esquire, Attorney for Petitioner, dcl@lafiandralaw.com
Patrick Richardson, Representative for Petitioner, rick@richardsonengineering.net
Steve Lafferty, Planning Office Director, slafferty@baltimorecountymd.gov
Jeff Perlow, Zoning Supervisor, jperlow@baltimorecountymd.gov
C. Pete Gutwald, Director of P.A.I., cpgutwald@baltimorecountymd.gov

Tammy Zahner

From: Rebecca Wheatley
Sent: Tuesday, September 14, 2021 1:59 PM
To: Administrative Hearings
Cc: 'Dino La Fiandra'; Rick@richardsonengineering.net; Steve Lafferty; Jeffrey N Perlow; Peter Gutwald
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105 West Chesapeake Avenue, Suite 204
Towson, Maryland 21204
(410) 887-2189 Direct Dial
(410) 887-2188 Office
(410) 823-4236 Fax

RECEIVED
SEP 14 2021
BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF POSTING

MM
7/6/21 @
11-

RE: Case No.: 2021-0109-A

Petitioner/Developer: Wai-Yi Lau, Luck Star, LLC

Date of Hearing/Closing: July 6, 2021

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

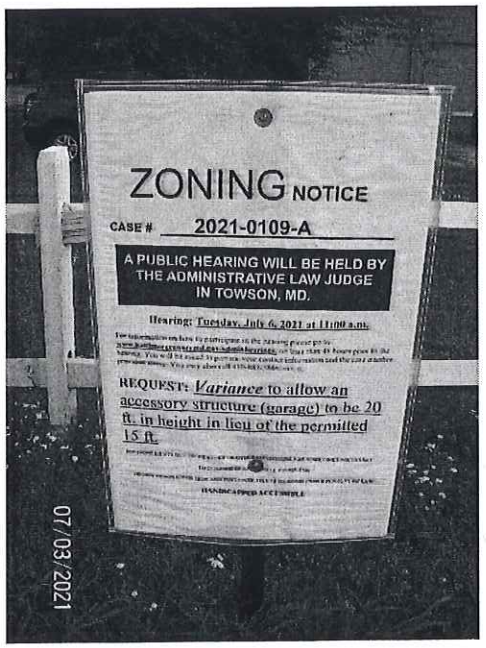
Attn: Kristen Lewis:

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:

11 Lynbrook Road ***SIGN 1 Recertification***

The sign(s) were posted on June 16, 2021
(Month, Day, Year)



Sincerely,

July 3, 2021
(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)

CERTIFICATE OF POSTING

RE: Case No.: 2021-0109-A

Petitioner/Developer: Wai-Yi Lau, Luck Star, LLC

Date of Hearing/Closing: July 6, 2021

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

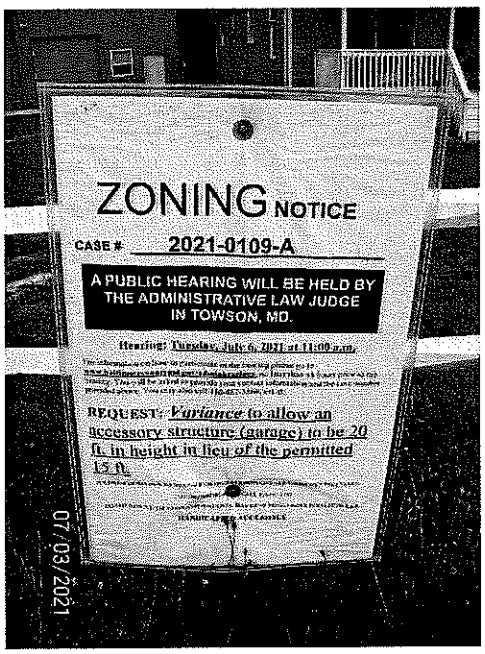
Attn: Kristen Lewis:

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:

11 Lynbrook Road ***SIGN 2 Recertification***

The sign(s) were posted on June 16, 2021
(Month, Day, Year)



Sincerely,

July 3, 2021
(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)

Zoning Case 2021-0109-A
11 Lynbrook Road
Hearing Date: July 6, 2021
Exhibits

Attached please find the exhibits in the case. Rick Richardson will be providing the digital copies by email along with the exhibit list.

Regards,
Dino La Fiandra

RECEIVED
JUN 30 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

DM
7/27/21

Donna Mignon

From: Donna Mignon
Sent: Monday, June 28, 2021 9:29 AM
To: 'Dino La Fiandra'
Cc: 'Richardson, Patrick'
Subject: 2021-0109-A 11 LynBrook Road

Good Morning:

As you are aware, a virtual Webex hearing has been scheduled for July 6, 2021 at 11:00 a.m. You should have received an invitation in an email which invited you to this hearing when the event was created on or about June 10, 2021.

Please note that all electronic and hard copies of all hearing exhibits, documents, site plans, photographs or evidence of any kind—must be submitted in PDF format at **least two business days** in advance of the hearing to :
Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov

Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit. **Please bring a hard copy of all exhibits and drop off in our lobby (address below) at least two business days before the hearing date.**

If you have any questions or concerns, please feel free to contact our office. Thank you so much.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

The Daily Record
200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 12010560
Case #: 2021-0109-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2021-0109-A

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

6/16/2021

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a virtual hearing on the property identified herein as follows:

CASE NUMBER: 2021-0109-A
11 Lynbrook Road
East side of Lynbrook Road, 320 ft. south of the centerline of Eastern Blvd.
15th Election District - 7th Councilmanic District
Legal Owners: Wai-Yi Lau, Luck Star, LLC
Variance to allow an accessory structure (garage) to be 20 ft. in height in lieu of the permitted 15 ft.
Hearing: Tuesday, July 6, 2021 at 11:00 a.m.
For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Pete Gutwald
Director of Permits, Approvals and Inspections for Baltimore County

je16

CERTIFICATE OF POSTING

RE: Case No.: 2021-0109-A

Petitioner/Developer: Wai-Yi Lau, Luck Star, LLC

Date of Hearing/Closing: July 6, 2021

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

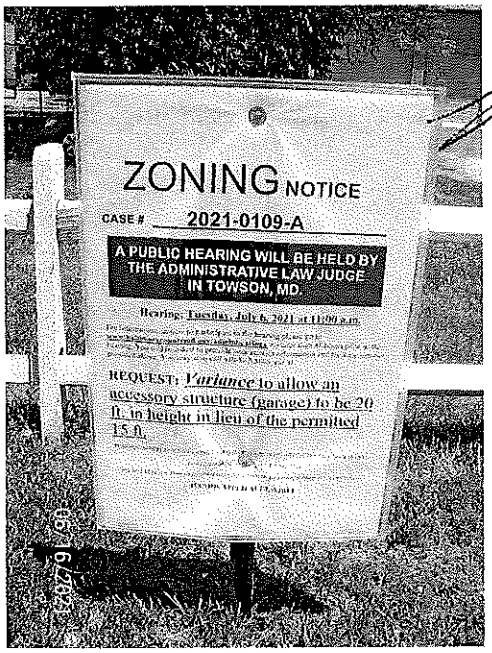
Attn: Kristen Lewis:

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:

11 Lynbrook Road *SIGN 1*

The sign(s) were posted on June 16, 2021
(Month, Day, Year)



Sincerely,

June 16, 2021

(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)

CERTIFICATE OF POSTING

RE: Case No.: 2021-0109-A

Petitioner/Developer: Wai-Yi Lau, Luck Star, LLC

Date of Hearing/Closing: July 6, 2021

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

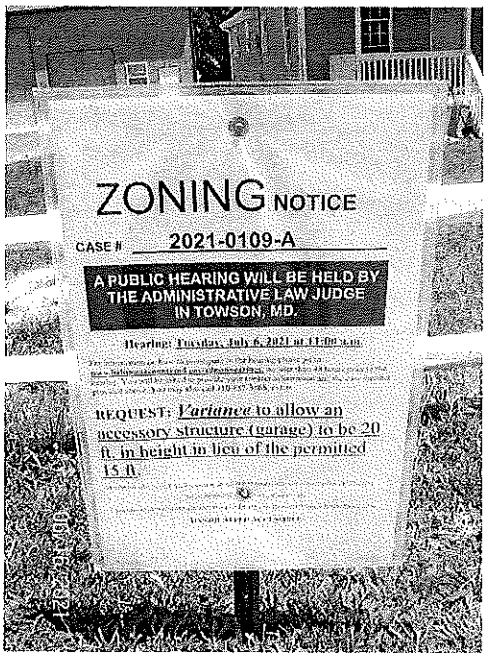
Attn: Kristen Lewis:

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:

11 Lynbrook Road *SIGN 2*

The sign(s) were posted on June 16, 2021
(Month, Day, Year)



Sincerely,

June 16, 2021
(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)

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District -** 15 **Account Number -** 1501920231

Owner Information

Owner Name:	LUCKY STAR LLC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	7839 SAINT THOMAS LANE NOTTINGHAM MD 21236-	**Deed Reference:**	/42843/ 00048

Location & Structure Information

Premises Address:	11 LYNBROOK RD BALTIMORE 21220-2809	**Legal Description:**	.781 AC 11 LYNBROOK RD ES

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0091	0008	0287	15030020.04	0000				2021	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1929	1,440 SF		34,020 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1 1/2	YES	STANDARD UNIT	SIDING/	3	1 full/ 1 half		

Value Information

	Base Value	Value As of 01/01/2021	Phase-in Assessments As of 07/01/2020	Phase-in Assessments As of 07/01/2021
Land:	87,500	87,500		
Improvements	60,800	107,100		
Total:	148,300	194,600	148,300	163,733
Preferential Land:	0	0		

Transfer Information

Seller: INTERCOASTAL MARINE LLC	**Date:** 05/14/2020	**Price:** $300,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /42843/ 00048	**Deed2:**
Seller: FEDERAL HOME LOAN MORTGAGE CORPORATION	**Date:** 03/10/2015	**Price:** $37,500
Type: NON-ARMS LENGTH OTHER	**Deed1:** /35916/ 00267	**Deed2:**
Seller: STEELE CAROLE A	**Date:** 09/16/2014	**Price:** $34,232
Type: NON-ARMS LENGTH OTHER	**Deed1:** /35367/ 00496	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2020	07/01/2021
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: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

ZAC AGENDA

Case Number: 2021-0109-A **Reviewer:** Joseph Merrey
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Luke Star, LLC
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 11 LYNBROOK RD
Location: Property located on the East side of Lynbrook Rd, 320 ft South of the center line of Eastern Blvd.

Existing Zoning: BL **Area:** .72 AC
Proposed Zoning:
VARIANCE:
BCZR 400.3 To allow an accessory structure (garage) to be 20' height in lieu of the permitted 15' height.
Attorney: Dino C. La Fiandra
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date:

Miscellaneous Notes: