

JOHN A. OLSZEWSKI, JR. County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

November 4, 2024

Scott Vogel – <u>scottvogelmd@gmail.com</u> 7801 Ruxwood Road Towson, MD 21204

RE:

Petition for Variance

Case No. 2024-0220-A

Property: 7801 Ruxwood Road

Dear Mr. Vogel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

DEREK J. BAUMGARDNER Administrative Law Judge for Baltimore County

DJB:dlm Enclosure

c: Maria Stephenson – <u>marias@purplecherry.com</u>

IN RE: PETITION FOR VARIANCE
(7801 Ruxwood Road)
9th Election District
2nd Council District
Scott Vogel

Legal Owner

BEFORE THE

* OFFICE OF ADMINISTRATIVE

* HEARINGS OF

BALTIMORE COUNTY

Petitioner * CASE NO. 2024-0220-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Variance filed by Scott Vogel ("Petitioner") for property located at 7801 Ruxwood Road, Towson, Baltimore County, Maryland (the "Property"). Petitioner is requesting Variance relief from Baltimore County Zoning Regulations ("BCZR"), Section 1B02.3.C.1, to allow a minimum front setback of 27 ft. in lieu of the required 50 ft. front setback, and to allow a minimum rear setback of 30 ft. in lieu of the required 50 ft. rear setback.

A public WebEx hearing was scheduled virtually in lieu of an in-person hearing on November 12, 2024, at 11:00 AM.

On November 4, 2024, a formal request was received from Maria Stephenson, Junior Associate, Purple Cherry Architects, on behalf of Petitioner, their request for withdrawal of the Petition for Variance.

THEREFORE, IT IS ORDERED this 4th day of November, 2024, by this Administrative Law Judge, that the Petition for Variance relief from Baltimore County Zoning Regulations ("BCZR"), Section 1B02.3.C.1, to allow a minimum front setback of 27 ft. in lieu of the required 50 ft. front setback, and to allow a minimum rear setback of 30 ft. in lieu of the required 50 ft. rear setback, be and is hereby WITHDRAWN AND DISMISSED WITHOUT PREJUDICE.

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

DEREK J. BAUMGARDNER Administrative Law Judge for Baltimore County

DJB/dlw

PETITION FOR ZONING HEARING(S)

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:

ddress_ 7801	Ruserood Rd, Tour	Son MD 21204 Currently Zoned DR I
Deed Reference 48977	00375	10 Digit Tax Account # 09 32 05 7 2
Owner(s) Printed Name(s)	Scott Voge	
(SELECT THE HEARING	G(S) BY MARKING X AT TH	HE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
The undersigned, who own and oc nereof, hereby petition for an:	cupy the property situate in E	Baltimore County and which is described in the plan/plat attached hereto and made a part
1. a Special Hearing u	under Section 500.7 of	the Zoning Regulations of Baltimore County, to determine whether
or not the Zoning Commis		
2 a Special Exception	n under the Zoning Rec	gulations of Baltimore County to use the herein described property for
3. X a Variance from Sec See a	ction(s)	
See a	strained	
of the zoning regulations of	Baltimore County to the	he zoning law of Baltimore County, for the following reasons: (Indicate
		indicate below "TO BE PRESENTED AT HEARING". If you need
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additional space, you may		
X		
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Attachment

To permit a variance from Section 1B02.3.C.1 of the BCZR to allow a minimum front setback of 27' in lieu of the required 50' front setback and to allow a minimum rear setback of 30' in lieu of the required 50' rear setback.



LAND SURVEYING & CIVIL ENGINEERING

150 Airport Drive, Suite 4 Westminster, Maryland 21157

WWW.BPRSURVEYING.COM

ZONING PROPERTY DESCRIPTION FOR 7801 RUXWOOD ROAD

Beginning for the first at a point on the east side of Ruxwood Road which is 30 feet wide at a distance of 165.17 south of the centerline of Wetherfield Road which is 50 feet wide. Thence the following courses and distances: 1) S.00 15' 00" W. 40.00', 2) S.89 45' 00" E. 126.34', 3) N.00 15' 00" E. 82.89', 4) N.25 12'30" W. 107.16' 5) N.89 21'50" W. 80.28', 6) S.00 15'00" W. 140.17' to the point of beginning as recorded in Deed Liber 48977, Folio 375, containing 0.470 acre of land. Located in the nineth Election District and second Council District.

Beginning for the second at a point on the east side of Ruxwood Road which is 30 feet wide at a distance of 260.17 south of the centerline of Wetherfield Road which is 50 feet wide. Thence the following courses and distances: 1) S.70 00'30" E. 90.00', 2) S.61 30'30" E. 23.30', 3) N.12 35'40" E. 98.71', 4) N.89 45' 00" W. 126.34', 5) S.00 15' 00" W. 55.00' to the point of beginning as recorded in Deed Liber 48977, Folio 375, containing 0.203 acre of land. Located in the nineth Election District and second Council District.

PURPLE CHERRY

PURPOSE IN ARCHITECTURE

Zoning Review
Department of Permits, Approvals and Inspections
Baltimore County Office Building
111 W. Chesapeake Ave, Rm 124
Towson, MD 21204

RE: Administrative Variance Petition due to Practical Difficulty for 7801 Ruxwood Road, Towson MD 21204

To Whom It May Concern:

A. The first step requires the petitioner to prove, to the satisfaction of the ALJ, that the property whereon structures are to be placed (or uses conducted) is unique, unusual, and different from the surrounding properties such that the uniqueness causes the zoning provision to impact more on the subject property than on the surrounding properties.

The property on which the proposed new structure is to be placed, 7801 Ruxwood Road, Towson MD 21204, is unique, unusual, and different from the surrounding properties for a variety of reasons outlined below:

- The 20,473 square foot property is a non-conforming lot in Baltimore County's DR-1 zone as it does
 not meet the DR-1 minimum size lot requirement of 40,000. It is only 51.18% of the minimum size
 lot requirement.
- The property is significantly smaller and shallower than the majority of the surrounding lots within 1,000 feet of the subject property.
- Under the DR-1 zone, the property requires a 50' front yard setback and a 50' rear yard setback, which render the buildable area to be approximately 26' deep and 179.5' feet wide, per the site plan shown in Exhibit B (attached). The 50' front yard setback and 50' rear yard setback do not support a home of any size. In addition, the small existing residence does not currently comply with either the 50' front yard setback or the 50' rear yard setback.
- The property is further burdened by an overhead power line that crosses the property, which creates a 10-foot setback on either side of the power line that further limits the developable area (see Exhibit B attached).
- In addition, the right-hand side of the property serves as a community drainage swale, creating an area that is not suitable for building.
- By joining the two properties together, we are able slide the house to the right over the property line, creating more air, natural light, and view for the surrounding homes and residents.
- By building a structure that straddles the property line of two legal lots of record, the property
 owners would be combining two legal lots of record, causing them to give up one legal lot of record,
 a concession they are willing to take. By combining two lots, this also reduces the residential density
 of the neighborhood.
- Finally, the lot has a significant grade change slope throughout at an angle to the front and rear property lines. Due to the steep slopes located at the South end of the property, the only reasonable and realistic building area is as far North on the site as possible, which is also the narrowest depth of

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PURPOSE IN ARCHITECTURE

the lot. This means that no matter the angle, shape, or position of the house, the garage will still require the requested setbacks due to the limited reasonable and realistic building area.

Structurally, it makes sense to align the proposed residence along the grade angle. The position of
the new structure allows for the longest walls of the home to pull off the setbacks further than they
would be if the structure ran parallel to the front and rear setback, thus pulling the structure off the
property lines even further. Rather than proposing a linear home creating more of a barrier, we are
proposing that the angle helps to take the mass of the structure further from the property lines.

Collectively, these characteristics create a practical difficulty that completely prevents the property owners from building a new single-family home. For these reasons, we are seeking a. variance for a 27' front setback and a 30' rear setback. For a 27' front setback to the corner of the deck and a 30' rear setback to the hinged corner of the structure.

To further support this petition, it is important to note that the current zoning code for new subdivision developments in DR-1 calls for a 25' front yard setback and a 30' rear setback, which is less restrictive than the setbacks that are being requested. In addition, as evidenced by Baltimore County's GIS mapping, there are many structures in the neighborhood that do not comply with a 50' front or 50' rear setback, so the proposed new structure would be keeping with the character of the neighborhood.

- B. The second step of the test requires that the petitioner must demonstrate that strict compliance with the BCZR would result in either <u>practical difficulty</u> or unreasonable hardship. The Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, stated:
- 2. To provide practical difficulty for an area variance, the following criteria must be met:

 (i) Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome.

Strict compliance with the existing 50' front yard setback and the 50' rear yard setback would unreasonably prevent the construction of a new single-family home in keeping with the neighborhood, which is a permitted purpose in the DR-1 zone.

(ii) Whether the grant would be substantial injustice to applicant, as well as other property owners in district, or whether a lesser realization than that applied for would give substantial relief.

Non-issuance of this petition request would be a substantial injustice to the applicant/property owner as it would significantly restrict the new property owners' right to construct a home in keeping with the neighborhood (see Exhibit C – attached). A lesser realization – in the form of setbacks that are more restrictive than requested – would not provide substantial relief given the site constraints listed above. In addition, a lesser realization would be a substantial injustice to the applicant/property owner because of how much smaller the lot is in comparison to surrounding lots. The 20,473 square foot property is a non-conforming lot in Baltimore County's DR-1 zone as it does not meet the DR-1 minimum size lot requirement of 40,000. It is only 51.18% of the minimum size lot requirement.

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PURPOSE IN ARCHITECTURE

(iii) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

The relief that is being requested will allow the property to fully comply with all current zoning codes, as the requested setbacks either meet or exceed the current DR-1 front and rear setbacks for new subdivision development. Per Baltimore County GIS mapping, multiple other structures (at least 22) within 1,000 square feet have been granted zoning relief of some sort (see Exhibit C – attached).

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.

For Newspap	er Advertising:						
Case Number	r: 200	24.0221	o. A				N.
Property Add		7801 Ruxu	wood Rd	, Towson,	MD	21204	
Legal Owners	s (Petitioners):	Scott	Vogel				
Contract Purc	chaser/Lessee:		1 5504			100	
PLEASE FORV	VARD ADVERTI	SING BILL TO:					
Name: Comp	pany/Firm (if ap	plicable):					
Address:	8510	Southfields	Grde	Timonium	MD	21093	
)			
Telephone N	umber:	410 - 494 -	9191				

^{*}Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

PETITION FOR ZONING HEARING(S)

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:

ddress_ 7801	Ruserood Rd, Tour	Son MD 21204 Currently Zoned DR I
Deed Reference 48977	00375	10 Digit Tax Account # 09 32 05 7 2
Owner(s) Printed Name(s)	Scott Voge	
(SELECT THE HEARING	G(S) BY MARKING X AT TH	HE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
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1. a Special Hearing u	under Section 500.7 of	the Zoning Regulations of Baltimore County, to determine whether
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2 a Special Exception	n under the Zoning Rec	gulations of Baltimore County to use the herein described property for
3. X a Variance from Sec See a	ction(s)	
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Attachment

To permit a variance from Section 1B02.3.C.1 of the BCZR to allow a minimum front setback of 27' in lieu of the required 50' front setback and to allow a minimum rear setback of 30' in lieu of the required 50' rear setback.



150 Airport Drive, Suite 4 Westminster, Maryland 21157

LAND SURVEYING & CIVIL ENGINEERING

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ZONING PROPERTY DESCRIPTION FOR 7801 RUXWOOD ROAD

Beginning for the first at a point on the east side of Ruxwood Road which is 30 feet wide at a distance of 165.17 south of the centerline of Wetherfield Road which is 50 feet wide. Thence the following courses and distances: 1) S.00 15' 00" W. 40.00', 2) S.89 45' 00" E. 126.34', 3) N.00 15' 00" E. 82.89', 4) N.25 12'30" W. 107.16' 5) N.89 21'50" W. 80.28', 6) S.00 15'00" W. 140.17' to the point of beginning as recorded in Deed Liber 48977, Folio 375, containing 0.470 acre of land. Located in the nineth Election District and second Council District.

Beginning for the second at a point on the east side of Ruxwood Road which is 30 feet wide at a distance of 260.17 south of the centerline of Wetherfield Road which is 50 feet wide. Thence the following courses and distances: 1) S.70 00'30" E. 90.00', 2) S.61 30'30" E. 23.30', 3) N.12 35'40" E. 98.71', 4) N.89 45' 00" W. 126.34', 5) S.00 15' 00" W. 55.00' to the point of beginning as recorded in Deed Liber 48977, Folio 375, containing 0.203 acre of land. Located in the nineth Election District and second Council District.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE: October 22, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0220-A

Address: 7801 RUXWOOD ROAD

Legal Owner: Scott Vogel

Zoning Advisory Committee Meeting of October 16, 2024.

<u>X</u> The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald **DATE:** 10/21/2024

Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2024-0220-A

INFORMATION:

Property Address: 7801 Ruxwood Road

Petitioner: Scott Vogel

Zoning: DR 1 **Requested Action:** Variance

The Department of Planning has reviewed the petition for the following:

Variance - From Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to allow a minimum front setback of 27' in lieu of the required 50' front setback and to allow a minimum rear setback of 30' in lieu of the required 50' rear setback.

The proposed site is a 0.469-acre property zoned DR 1 that is surrounded by mostly residential properties and is currently improved with an existing structure. The applicant proposes to raze the existing structures on the site and erect a new residential home.

The property at 7801 Ruxwood Road is located in the Ruxton Riderwood Lake Roland DRP area which requires review by the Design Review Panel for design compliance through the application of the Master Plan, the Comprehensive Manual of Development Policies, adopted community plans/Section 260 of the Baltimore County Zoning Regulations, as applicable pursuant to Section 32-4-203 of the Baltimore County Code. The applicant is proposing to erect a new residential home. Pursuant to the County Code, newly proposed residential development or additions exceeding 50% of the existing dwelling square footage must apply for review and approval from the Design review Panel.

Planning has no objections to the requested setback relief as the new dwelling's location will be similar to what is existing. Both the existing and proposed is and will be located close to the public right-of-way.

The Department is in support of the requested relief conditioned upon the following:

- The Administrative Law Judge requires the petitioner to apply for the Design Review Panel and mandate that no permits can be issued until reviewed and approved.
- Any additional relief deem necessary by the Administrative Law Judge.

For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:

Kha

Krystle Patchak

SL/JGN/KP

c: Maria Stephenson Sydnie Cooper, Western Community Planner Jeff Perlow, Zoning Review Kristen Lewis, Zoning Review Office of Administrative Hearings People's Counsel for Baltimore County Division Chief:

Jenifer G. Nugent

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: October 9, 2024

Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

Case 2024-0220-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment.

DPW-T: No exception taken.

Landscaping: No comment.

Recreations & Parks: No comment LOS & No Greenways affected.

Real Property Data Search () Search Result for BALTIMORE COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier:

District - 09 Account Number - 0913205721

Owner Information

Owner Name:

MONKTON PROPERTIES LLC Use: Principal Residence: NO

RESIDENTIAL

Mailing Address:

8510 SOUTHFIELDS CIR

/48977/ 00375

LUTHERVILLE MD 21093-

Location & Structure Information

Premises Address:

7801 RUXWOOD RD

Legal Description: .470 AC ES RUXWOOD R

TOWSON 21204-3540

1055 N RUXTON RD

0069 0009 0627 9010005.04

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:

Deed Reference:

0000

2023

Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

1954

1,700 SF

20,473 SF

1 1/2 YES

StoriesBasementType

ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements

STANDARD UNITSIDING/5 2 full 1 Carport

Value Information

	Base Value	Value	Phase-in Assessments		
		As of 01/01/2023	As of 07/01/2024	As of 07/01/2025	
Land:	186,600	197,600			
Improvements	190,800	288,100			
Total:	377,400	485,700	449,600	485,700	
Preferential Land:	0	0			

Transfer Information

Seller: LEVENSON STEVEN A
Type: ARMS LENGTH MULTIPLE
Seller: MAYNARD PHILIP T
Type: NON-ARMS LENGTH OTHER

Deed1: /48977/ 00375 Date: 09/30/1977

Date: 04/23/2024

Price: \$710,000 Deed2: Price: \$0

Seller:

Deed1: /05808/ 00882 Date:

Deed2: Price: Deed2:

Exemption Information

Deed1:

	Exemption information
Partial Exempt Assessments: Class	07/01/2024

Partial Exe	
County:	
State:	

Type:

000 000 000 0.00 0.00

0.00|0.00

07/01/2025

0.00|0.00

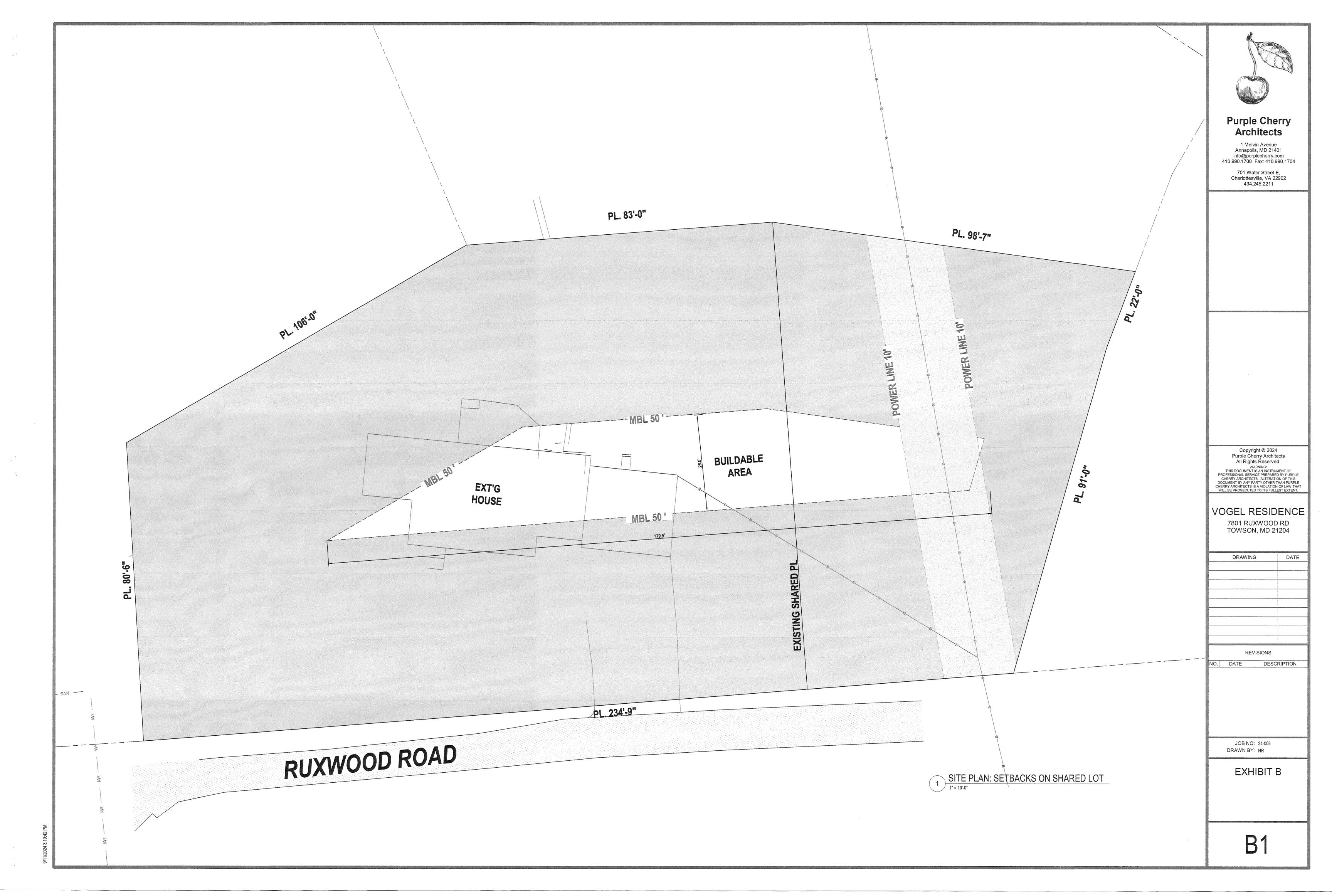
Municipal: Special Tax Recapture: None

Homestead Application Information

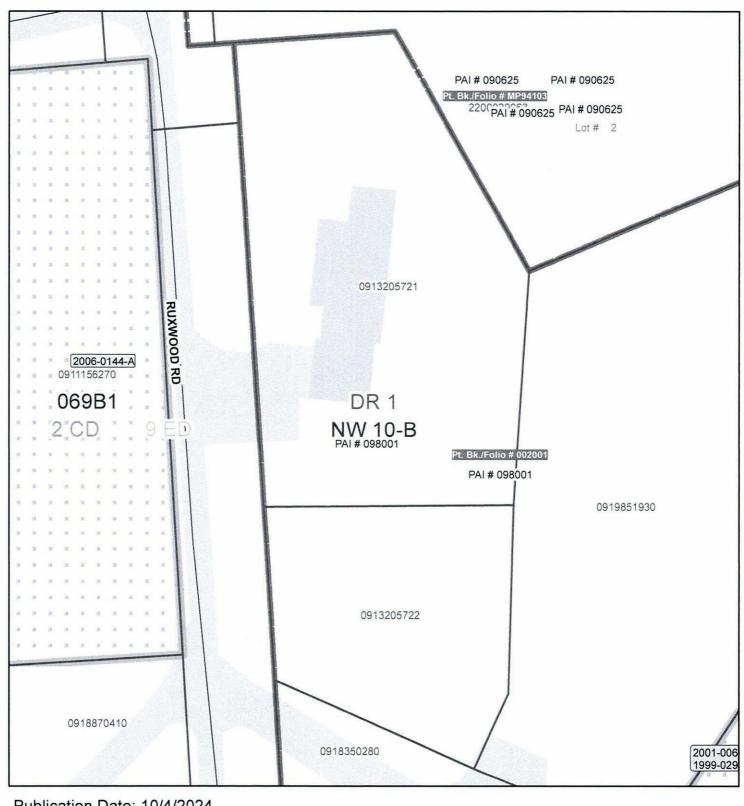
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

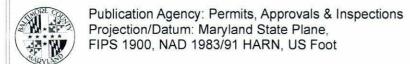
Homeowners' Tax Credit Application Status: No Application Date:



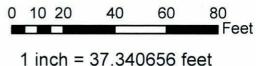
7801 Ruxwood Rd

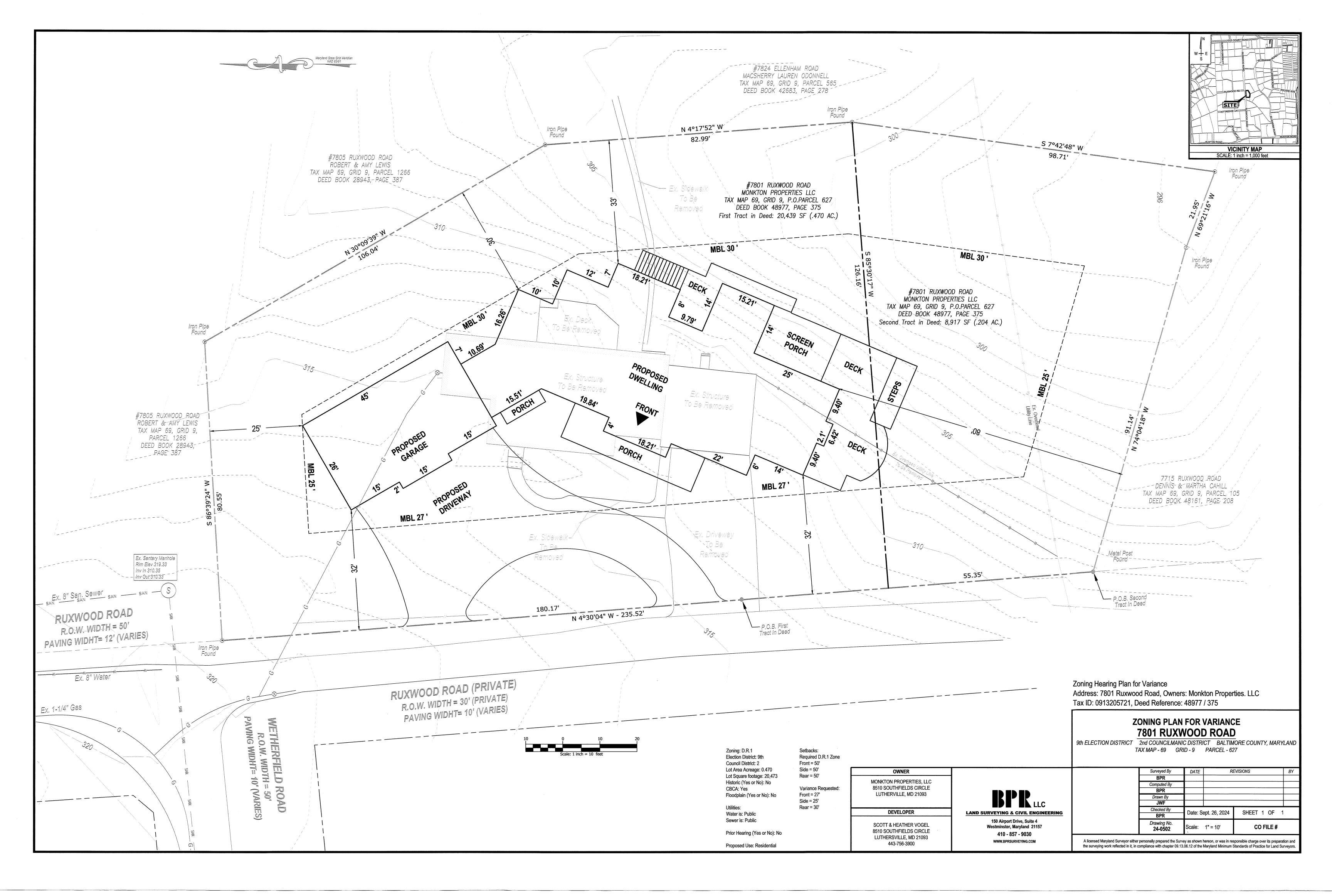


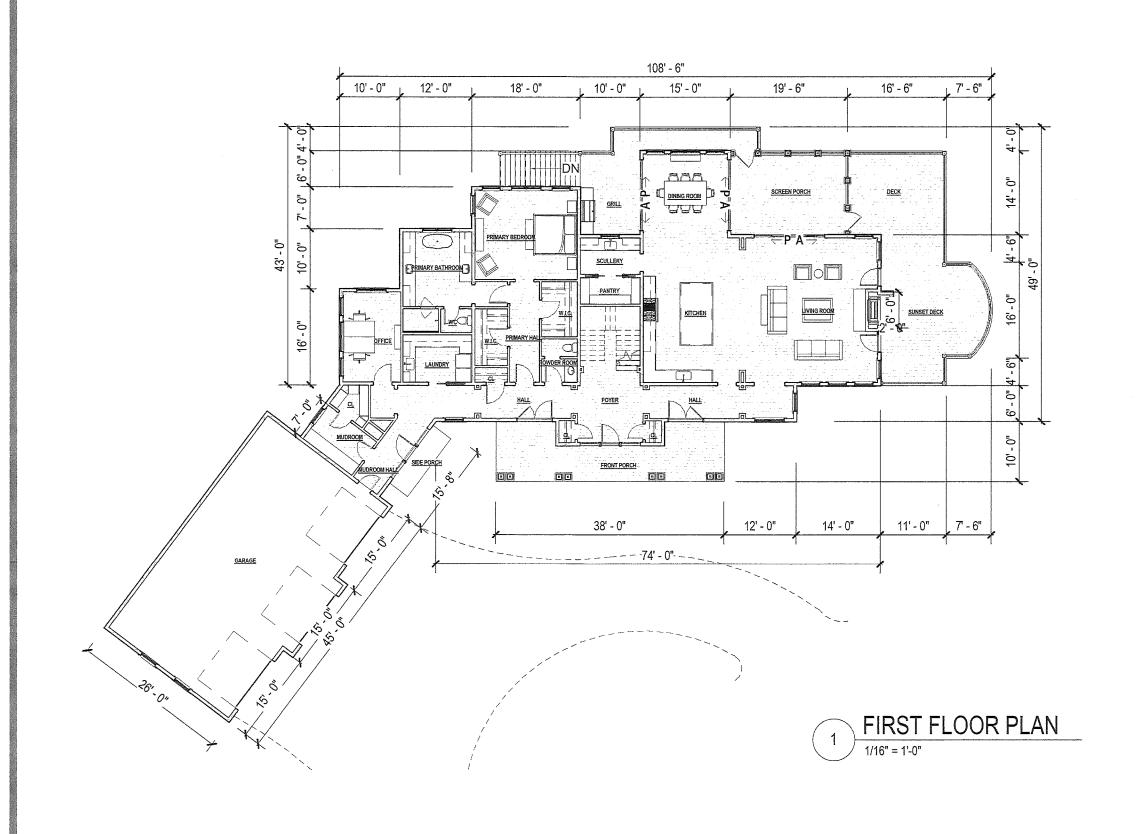
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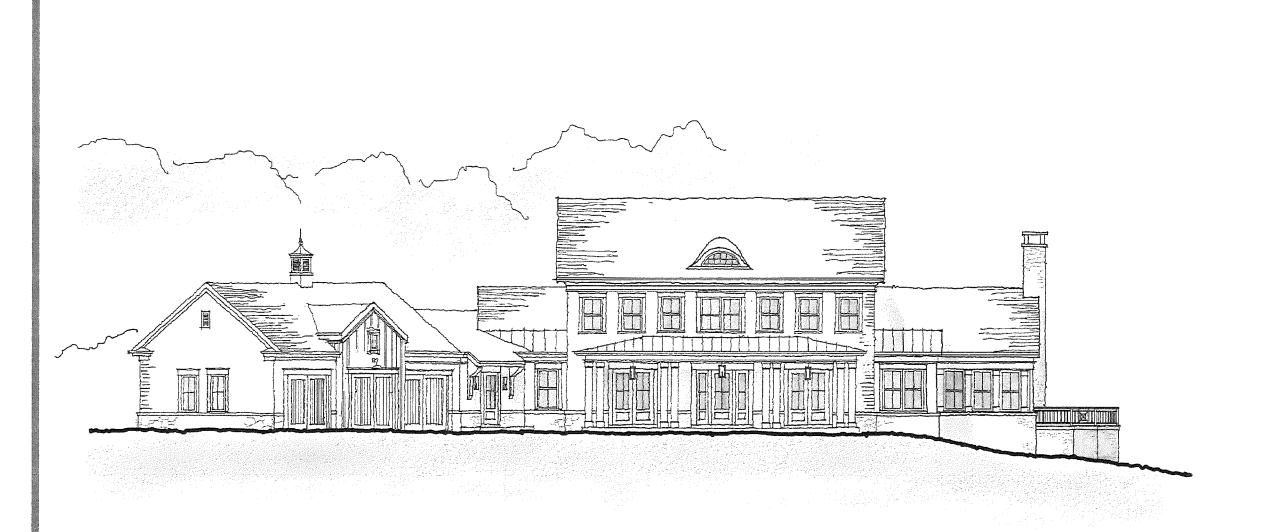




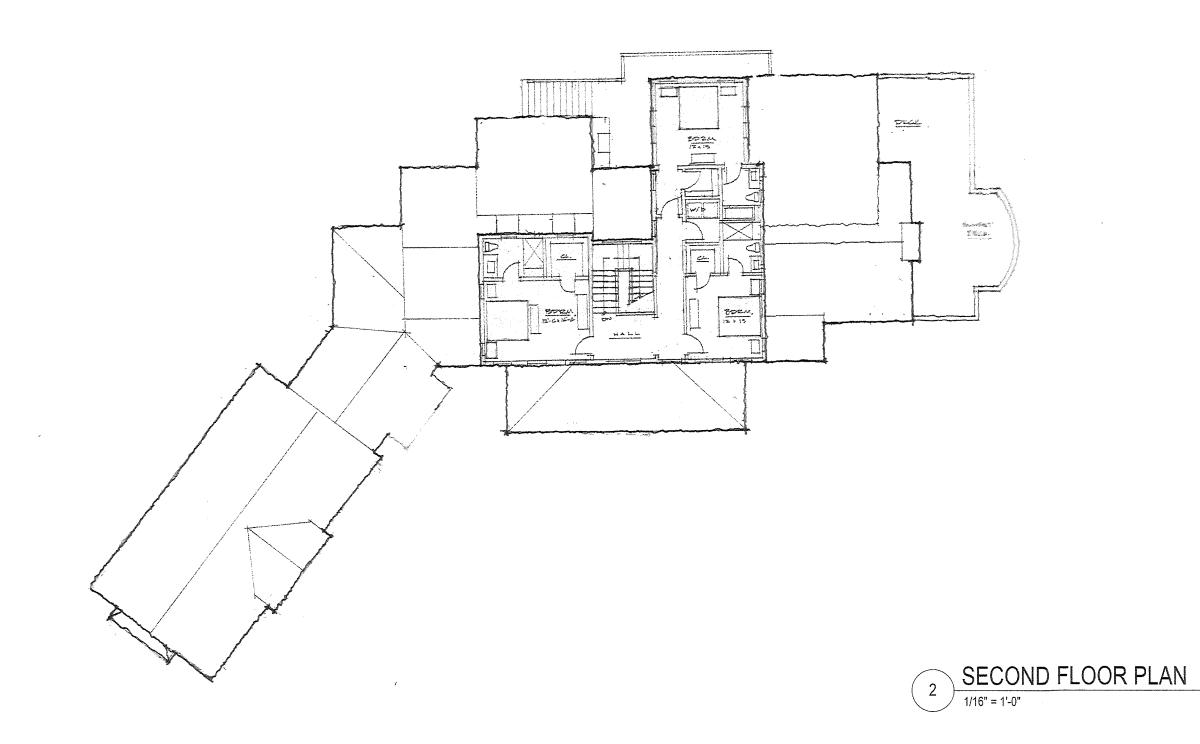








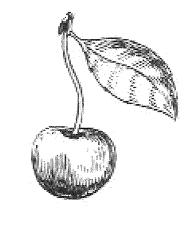
FRONT ELEVATION





4 REAR ELEVATION

1/16" = 1'-0"



Purple Cherry Architects

1 Melvin Avenue
Annapolis, MD 21401
info@purplecherry.com
410.990.1700 Fax: 410.990.1704

701 Water Street E,
Charlottesville, VA 22902
434.245.2211

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VOGEL RESIDENCE
7801 RUXWOOD RD
TOWSON, MD 21204

DRAWING DATE

REVISIONS

REVISIONS

NO. DATE DESCRIPTION

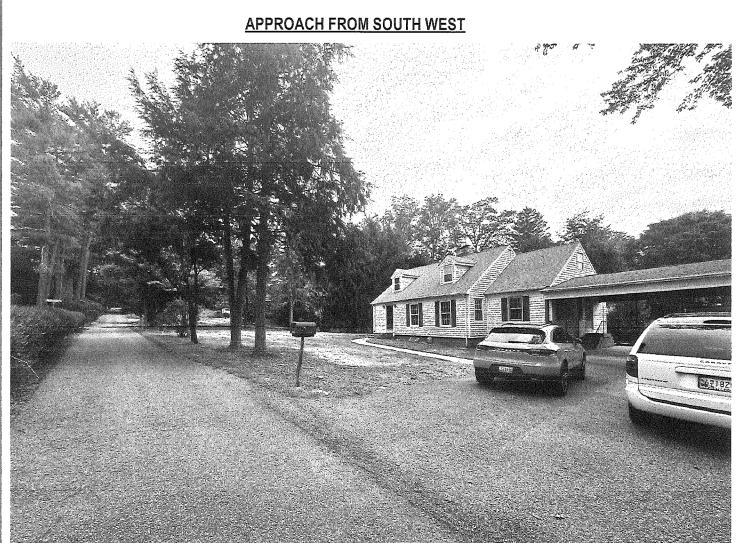
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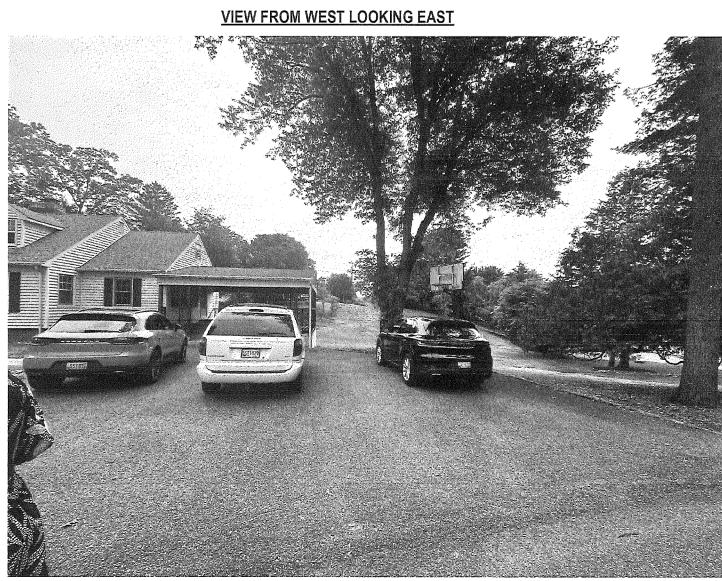
EXHIBIT A

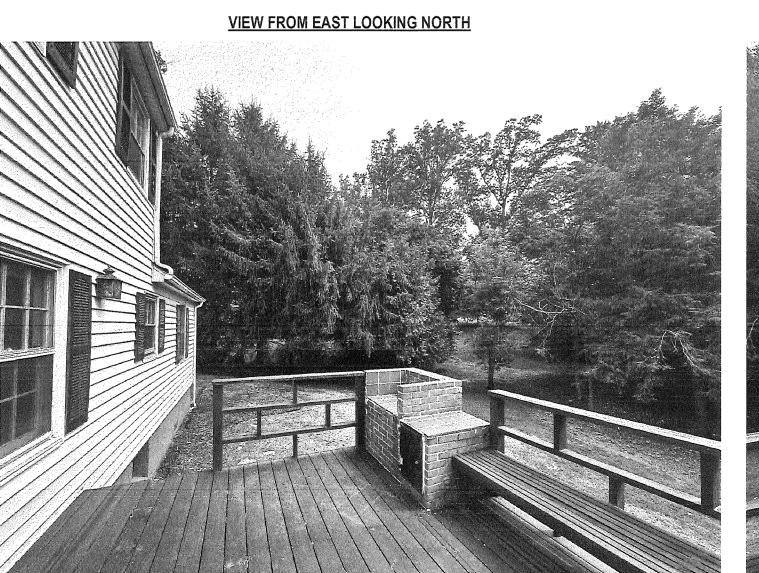
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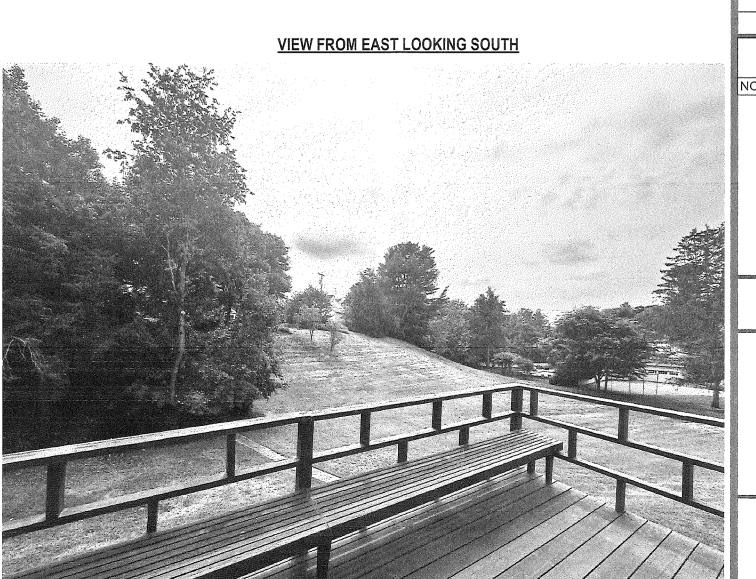


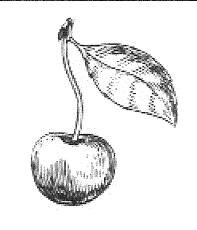












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EXHIBIT C

C1