

IN RE: PETITION FOR ADMIN. VARIANCE
SE/Corner Southorn Road and
Dark Head Road
(2268 Southorn Road)
15th Election District
5th Councilmanic District

Timothy V. Lupton, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-123-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Timothy V. and Kim Y. Lupton. The Petition was filed in response to a zoning violation notice the Petitioners received from the Department of Permits and Development Management (DPDM) as to the location of a partially completed 10'x 10'x 13' shed in the rear corner of their property. Apparently, the Petitioner commenced construction of the subject shed and upon receipt of an anonymous complaint from a nearby property owner, DPDM issued a citation and advised the Petitioners to file the instant Petition. The Petition was filed through the administrative variance process, which allows zoning review and approval without a public hearing if no one residing within 1000 feet of the property in question requests same, pursuant to Section 26-127 of the Baltimore County Code (B.C.C.). In this case, however, the Zoning Commissioner requested a public hearing be held to determine the appropriateness of the relief sought. Specifically, the Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section VI C.5, 1954) to permit a 0' setback to the side street property line and 8' to the centerline of an alley in lieu of the required 25' and 15', respectively, for the subject shed. The subject property and relief sought are more

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By

particularly described on the site plan submitted with the Petition and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petition were Timothy and Kim Lupton, property owners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 3,600 sq.ft., more or less, zoned D.R. 10.5, and is improved with an end-of-group, single family townhouse dwelling and the subject shed. The property is located on the southwest corner of Southorn Road and Dark Head Road in Hawthorne, and lies adjacent to open space leading to Cow Pens Creek and Dark Head Cove. The subject shed is located in the southeast corner of the rear yard, adjacent to Dark Head Road and the alley which runs behind their property. The Petitioners testified that they have resided on the property for the past four years. Testimony indicated that there has always been a shed on the property in the same location shown on the site plan and that the Petitioner replaced that small shed with a metal shed shortly after they moved to the property. The metal shed was blown over during a storm last year, and the Petitioner commenced construction of the new shed in the same location. Mr. Lupton testified that he was not aware that a permit was required to replace the old shed and that the new shed was built over the concrete pad that has existed on the property for many years. Mr. Lupton further testified that his property is located at the end of a dead-end road and that the shed does not block anyone's view.

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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations would unduly restrict the use of the land due to the special conditions unique to this particular parcel. Several photographs of the shed and its relationship to the alley behind the property demonstrate that the location of the shed does not impede the visibility of motorists in the area, whether they are coming from the alley or approaching the intersection of Southorn Road and Dark Head Road. Furthermore, it was clear from the testimony that a shed has existed in the same location for many years without any detrimental impact upon the surrounding community. Thus, it appears that the relief requested will

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not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

The facts and evidence presented have established that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner, and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact

that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of December, 1997 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section VI C.5, 1954) to permit a 0' setback to the side street property line and 8' to the centerline of an alley in lieu of the required 25' and 15', respectively, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Compliance with the Zoning Plans Advisory Committee comments submitted by the Department of Environmental Protection and Resource Management (DPDM) dated October 21, 1997, a copy of which is attached hereto and made a part hereof.

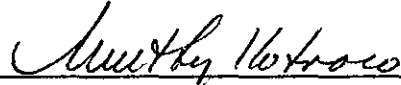
ORDER RECEIVED FOR FILING

Date

By

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

RECEIVED
Date 12/16/92
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

December 16, 1997

Mr. & Mrs. Timothy V. Lupton
2268 Southorn Road
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SE/Corner Southorn Road and Dark Head Road
(2268 Southorn Road)
15th Election District - 5th Councilmanic District
Timothy V. Lupton, et ux - Petitioners
Case No. 98-123-A

Dear Mr. & Mrs. Lupton:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

Code Enforcement Division, DPDM
DEPRM
People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at ✓ 2268 Southorn Road
which is presently zoned D.R. 10-5

98-123-A

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

11302.3.B (Sec. VI C.5, 1954) to permit a shed 0' to the side street property line and 8' to the centerline of an alley in lieu of 25' and 13', respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

7 SEE REVERSE side of paper

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

Timothy Vincent Lupton
(Type or Print Name)

Timothy Vincent Lupton
Signature

Kim Yvonne Lupton
(Type or Print Name)

Kim Yvonne Lupton
Signature

2268 Southorn Rd.
Address

Phone No

BALTIMORE, Maryland
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: MDK

DATE: 10/1/97

ESTIMATED POSTING DATE:

10/12/97



Printed with Soybean Ink
on Recycled Paper

ITEM #: 123

ORDER RECEIVED FOR FILING

Date

BY

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2868 Southorn Road
address
BALTIMORE, Maryland 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

1. I did not need a permit to build shed therefore I did not know the laws pertaining to zoning violation.
2. The shed was a great expense and very hard work to build and would be very difficult and costly to move.
3. There was a smaller shed in same location when we moved in house almost 4 years ago. Then I put a 9'x10' metal shed in same location which remained there for 2 1/2 years until I built present shed.
4. Shed was already over 1/2 built when we received zoning violation notice.
5. SEE BELOW

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Timothy Lupton
(signature)
Timothy Lupton
(type or print name)



Kim Lupton
(signature)
Kim Lupton
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30th day of September, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9/30/97
date

Edna A. July
NOTARY PUBLIC

My Commission Expires: 3/7/00

5. If I knew the corner of yard was in violation before I built the shed I would not have spent my time, labor or money.

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2268 Southorn Road
address
BALTIMORE, Maryland 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

1. I did not need a permit to build shed therefore I did not know the laws pertaining to zoning violation.
2. The shed was a great expense and very hard work to build and would be very difficult and costly to move.
3. There was a smaller shed in same location when we moved in house almost 4 years ago. Then I put a 9'x10' metal shed in same location which remained there for 2 1/2 years until I built present shed.
4. Shed was already over 1/2 built when we received zoning violation notice.
5. SEE BELOW

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Timothy Lupton
(signature)
Timothy Lupton
(type or print name)



Kim Lupton
(signature)
Kim Lupton
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30th day of September, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9/30/97
date

Eileen A. Selig
NOTARY PUBLIC

My Commission Expires: 3/17/00

5. If I knew the corner of yard was in violation before I built the shed I would not have spent my time, labor or money.

98-123-A

Zoning Description For 2268 Southern Road

Zoning description for shed located on the property at the corner of Southern Road and Darkhead Road. The shed is located 107 feet from centerline of Southern Road at north by west front side of property. and 27 feet from centerline of Dark Head Road at East by south side of property and 9 feet from centerline of Alley at south by west back side of property. Property is located in subdivision of Hawthorne in Baltimore County being lot #35, Block 20, Section #5 as recorded in Plat Book #19, Folio #141 containing 3600 square feet. Property also known as 2268 Southern Road in the 15TH Election

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than * 10/12/97

Format for Sign Printing, Black Letters on a White Background:

Item # 123

ZONING NOTICE**ADMINISTRATIVE
VARIANCE**Case No.: 98-123-A

Variance to permit a shed 0' to the side
street property line and 8' to the centerline of an
alley in lieu of 25' and 13', respectively.

PUBLIC HEARING ?

**PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING
CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON**

***** Oct. 27, 1997.

**ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391**

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 123

Petitioner: Timothy Lupton

Location: 2268 Southorn Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Timothy Lupton

ADDRESS: 2268 Southorn Rd.

BALTIMORE, Maryland 21220

PHONE NUMBER: 410-686-5281

AJ:ggs

(Revised 09/24/96)

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 044423

DATE 10-1-97 ACCOUNT 01-615

Item. 123

By: mjk

AMOUNT \$ 50.00

RECEIVED FROM: Timothy Lepton - 2268 Southern Rd

FOR: 010 - Res Var. ——— \$ 50.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
10/01/1997 10/01/1997 09:35:57
PER WS05 CASHIER BTRY BKT DRAWER 5
5 MISCELLANEOUS CASH RECEIPT
Receipt # 031795
CR NO. 044-23

50.00 CHECK: FM
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #98-123-A
2268 Southern Road
corner SE/S Southern Road
SW/S Dark Head Road
15th Election District
5th Councilmanic District

Legal Owner(s):

Timothy Vincent Lupton and
Kim Yvonne Lupton

Variance: to permit a shed 0 feet to the side street property line and 8 feet to the centerline of an alley in lieu of 25 feet and 13 feet, respectively.

Hearing: Wednesday, December 3, 1997 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

11/133 Nov. 13 C189095

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov 13, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 13, 1997.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

district, 5TH Councilmanic district

CERTIFICATE OF POSTING

RE: Case No.: 98-123-A
Petitioner/Developer:
(Timothy Lupton)
Date of Hearing/Closing:
(Dec. 3, 1997)

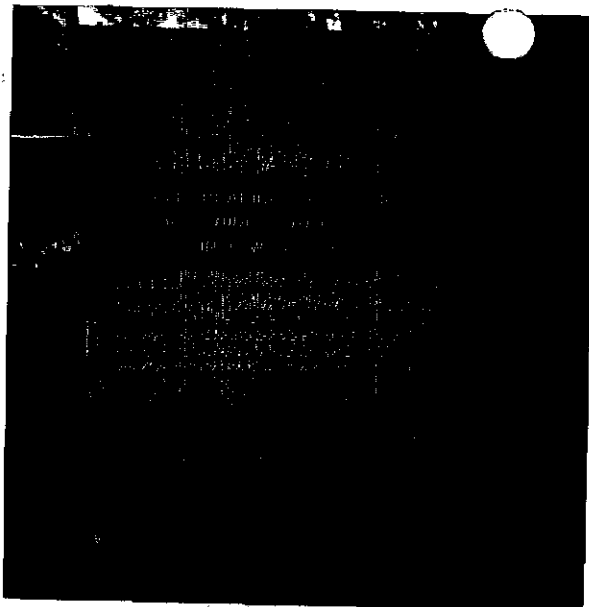
**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

**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 _____
_____ 2268 Southorn Road Baltimore, Maryland 21220 _____**

**The sign(s) were posted on _____ Nov. 18, 1997 _____
(Month, Day, Year)**



Sincerely,

Thomas P. Ogle Sr.
(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

**_____ (410)-687-8405 _____
(Telephone Number)**

98-123-A

CERTIFICATE OF POSTING

RE: Case No.: # 98-123-A
Petitioner/Developer:
(Timothy Lupton)
Date of Hearing/Closing:
(Oct. 27, 1997)

**Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

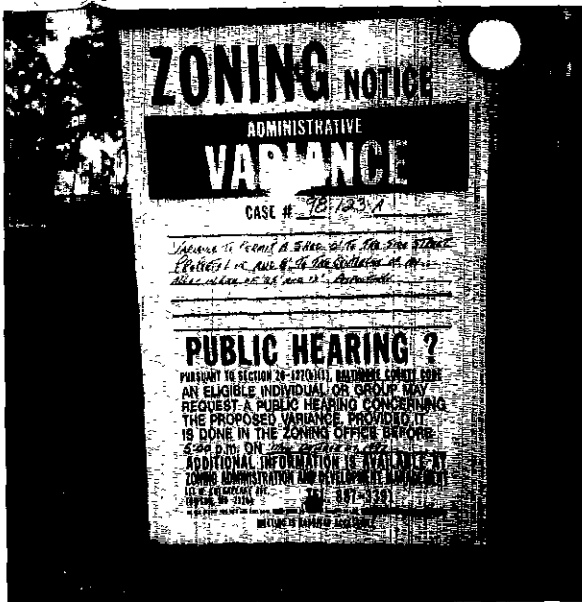
Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

**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 _____**

_____ 2268 Southon Road Baltimore Maryland 21220 _____

**The sign(s) were posted on _____ Oct. 10, 1997 _____
(Month, Day, Year)**



Sincerely,

Thomas P. Ogle, Sr.
(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

**_____ (410)-687-8405 _____
(Telephone Number)**

98-123-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 9, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 98-123-A
2268 Southorn Road
corner SE/S Southorn Road, SW/S Dark Head Road
15th Election District - 5th Councilmanic
Legal Owner(s): Timothy Vincent Lupton and Kim Yvonne Lupton
Post by Date: 10/12/97
Closing Date: 10/27/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She 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 (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's 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.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Timothy and Kim Lupton





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 7, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-123-A
2268 Southorn Road
corner SE/S Southorn Road, SW/S Dark Head Road
15th Election District - 5th Councilmanic District
Legal Owner(s): Timothy Vincent Lupton and Kim Yvonne Lupton

Variance to permit a shed 0 feet to the side street property line and 8 feet to the centerline of an alley in lieu of 25 feet and 13 feet, respectively.

HEARING: WEDNESDAY, DECEMBER 3, 1997 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Mr. Timothy Vincent Lupton

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 18, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



TO: PATUXENT PUBLISHING COMPANY
November 13, 1997 Issue - Jeffersonian

Please forward billing to:

Timothy Lupton
2268 Southorn Road
Baltimore, MD 21220
410-686-5281

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-123-A
2268 Southorn Road
corner SE/S Southorn Road, SW/S Dark Head Road
15th Election District - 5th Councilmanic District
Legal Owner(s): Timothy Vincent Lupton and Kim Yvonne Lupton

Variance to permit a shed 0 feet to the side street property line and 8 feet to the centerline of an alley in lieu of 25 feet and 13 feet, respectively.

HEARING: WEDNESDAY, DECEMBER 3, 1997 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 22, 1997

Mr. and Mrs. Timothy Lupton
2268 Southorn Road
Baltimore, MD 21220

RE: Item No.: 123
Case No.: 98-123-A
Petitioner: Timothy Lupton, et ux

Dear Mr. and Mrs. Lupton:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 1, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: October 20, 1997

FROM: Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for October 20, 1997
 Item No. 123

 The Bureau of Developer's Plans Review has reviewed the subject
zoning item. The line of sight shall remain clear.

RWB:HJO:jrb

cc: File

ZONE1020.123

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

DATE: October 21, 1997

To: Arnold L. Jablon

From: R. Bruce Seeley *RB/JS*

Subject: Zoning Item #123

Lupton, 2268 Southom Road

Zoning Advisory Committee Meeting of October 14, 1997

- ☐ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- ☐ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- ☒ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- ☐ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code.)
- ☐ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).
- ☒ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
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ORDER RECEIVED FOR FILING
Date 12/16/97
By [Signature]
BES:sp
Lupton.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: October 10, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item Nos. 120, 121, 122, ¹²⁴123, 126, 129, and 131

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

AFK/JL



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

October 16, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF October 14, 1997

Item No.: See Below

Zoning Agenda:

Gentlemen:

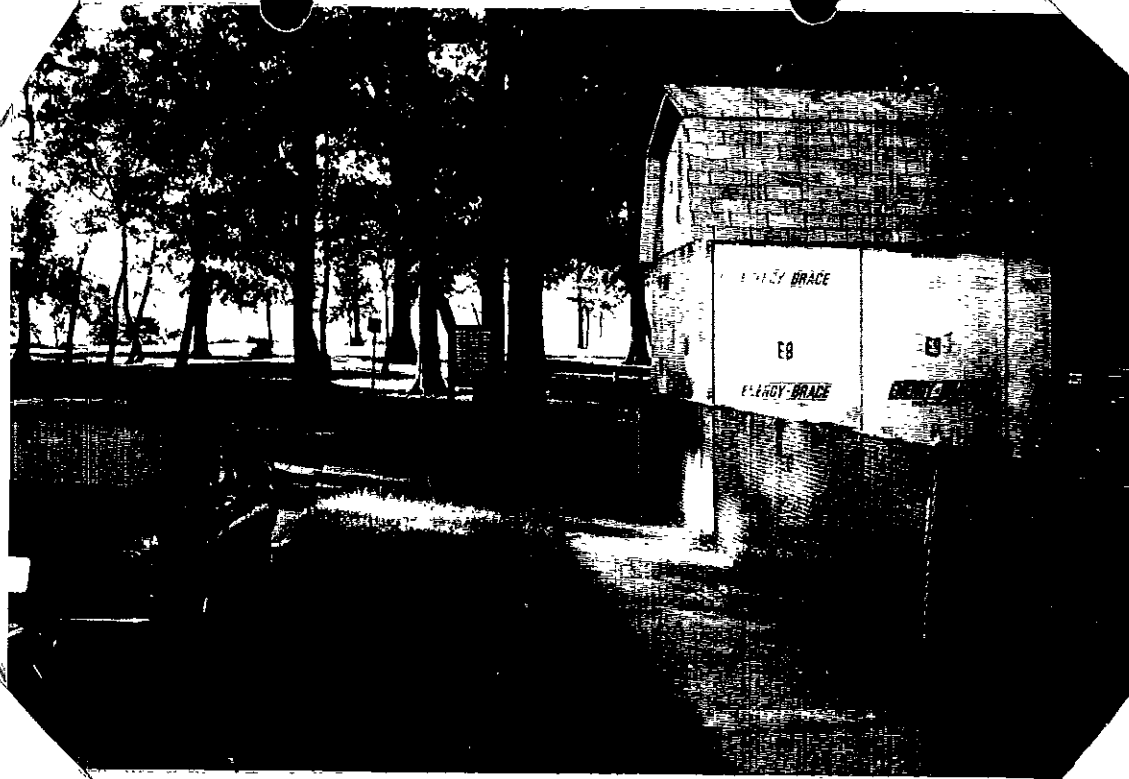
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130
and 131

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881. MS-1.025
cc: File





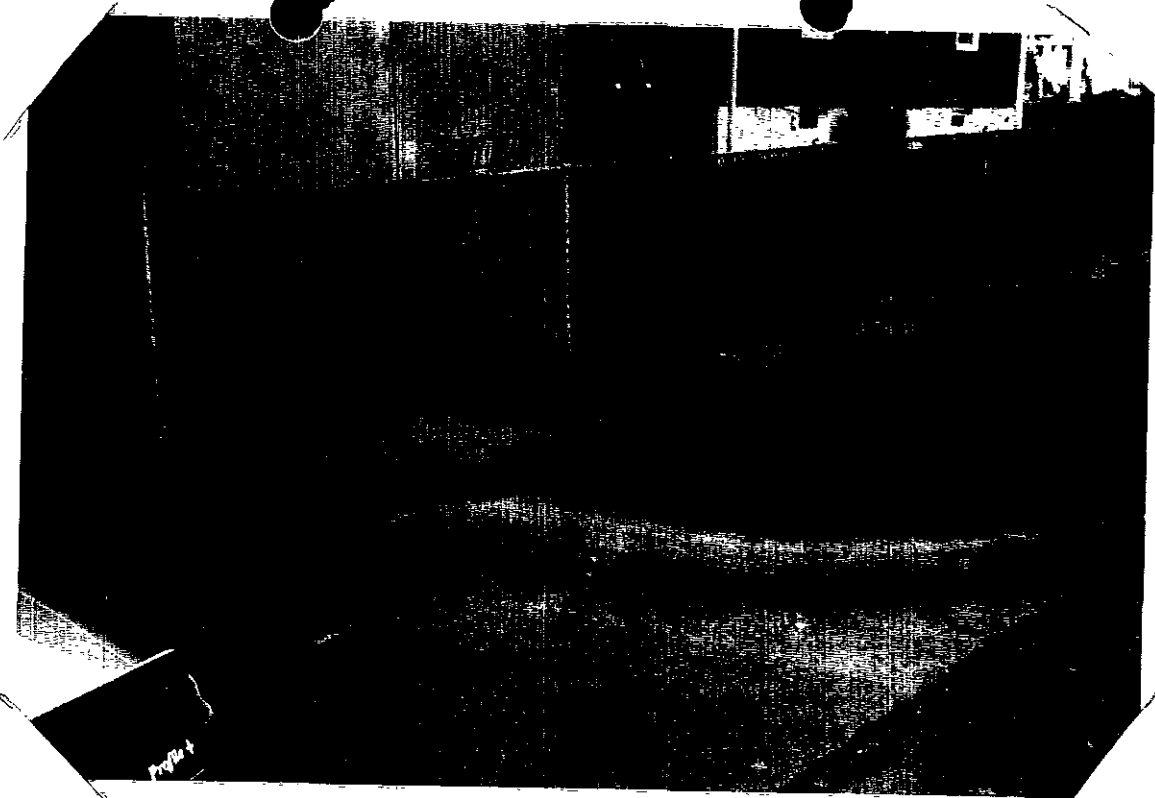
98-123-1

You can SEE if anyone is coming out of alley when your coming down DARK Head Road.



You can SEE how much of a car you can SEE when your heading down Dark Head Road to alley.

#123



98-123-A

Shed is 11 feet from curb and
27 from centerline of Dark Head Road



This is from back right corner of
shed showing where Dark Head Road
ends and alley meet. The SCENERY is
brush and weeds in background.



98-123-A

This is what shed looks like
at present time. Only thing that
is missing is siding

123

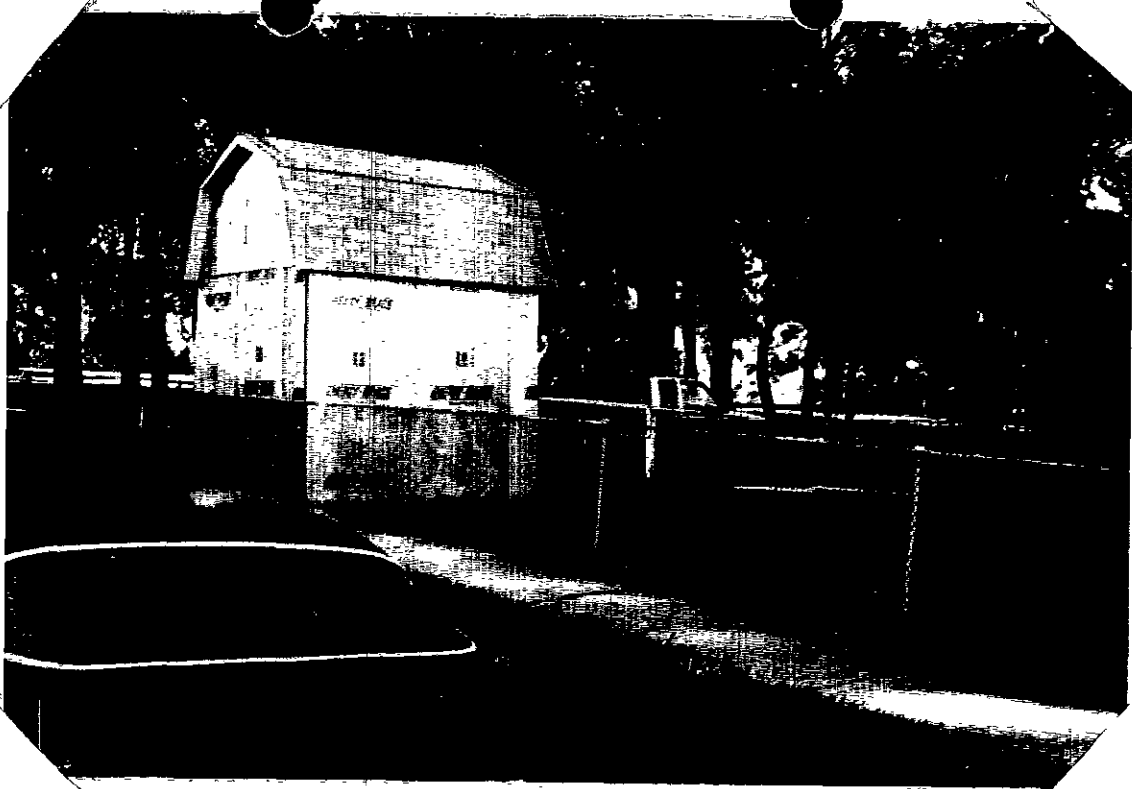


98-123-A

Standing at curb on side of house. You can SEE through yard
 IF anyone is in alley. DARK Head #123
 Road DEAD END'S HERE



Standing at left side of shed
 looking up side of house. You can
 see it's not blocking anyone's view.



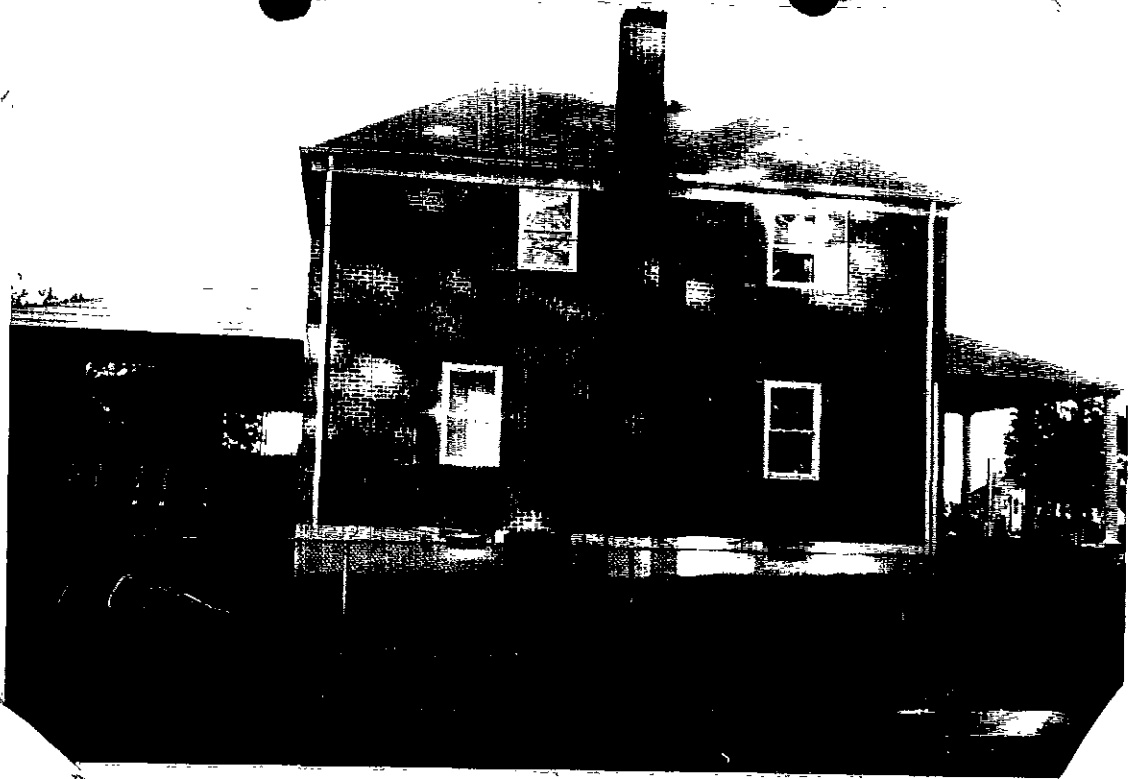
98-123-A

Standing on ~~a~~ DARK Head Road you
can SEE Through yard if SOMEONE is
IN ALLEY.

#123



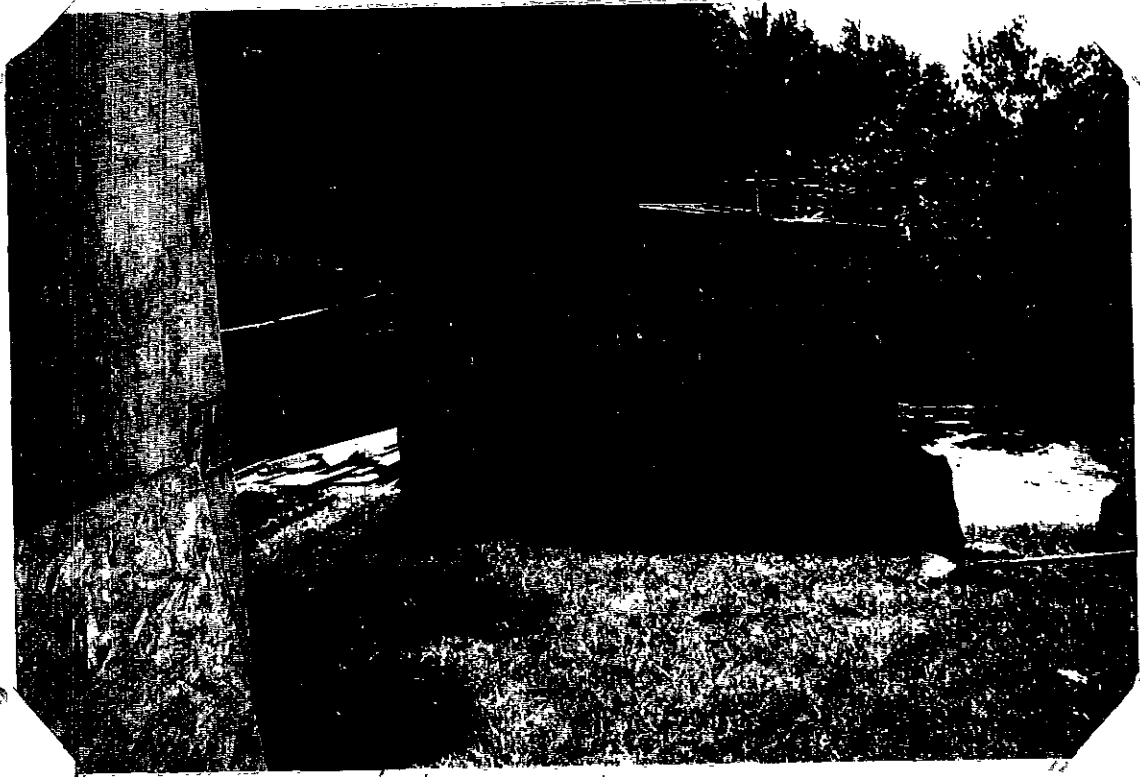
Coming out of alley towards DARK
Head Road you can SEE Through yard
if anyone is coming down DARK Head
Road.



98-123-A

Side of 2268 Southern Road

#123



This metal shed was sitting in same location present shed is sitting. METAL SHED was there for 2 1/2 years. It was blown across yard by a storm and dented up pretty bad

OVER
→

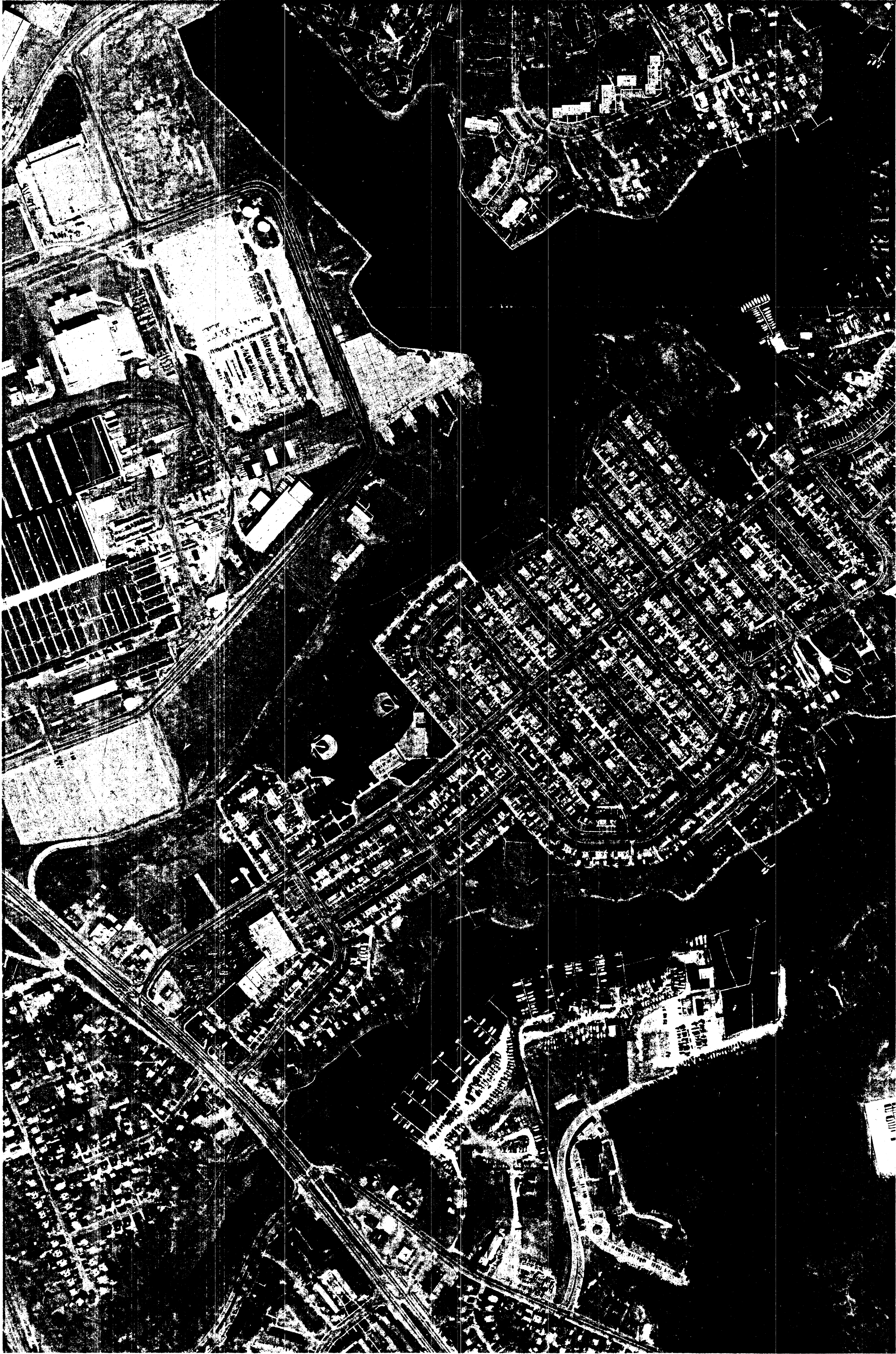


98-123-A

FRONT OF 2268 SOUTHERN ROAD # 123



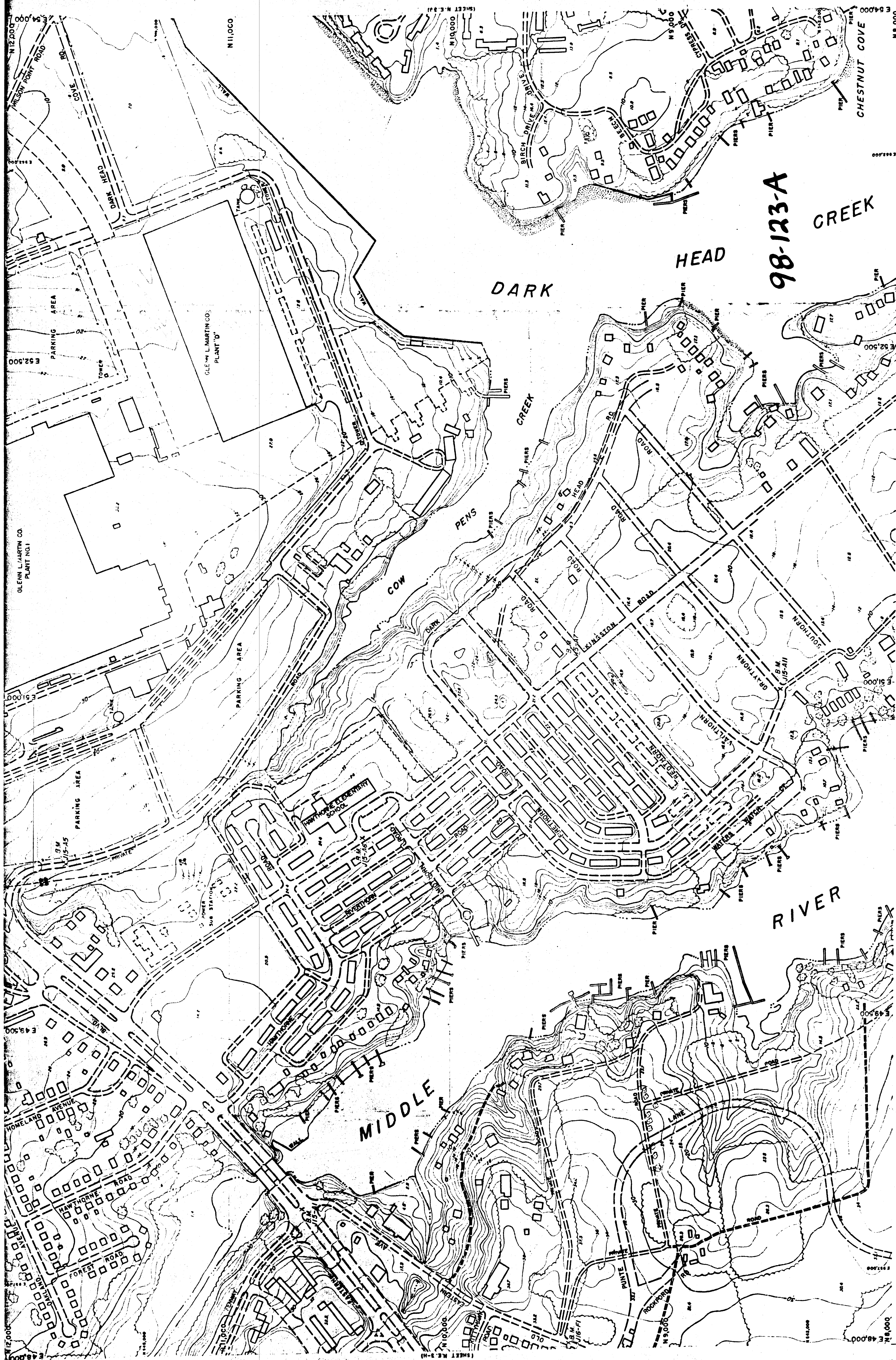
BACK OF 2268 SOUTHERN ROAD



SCALE 1" = 200' ±	LOCATION MIDDLE RIVER KINGSTON		SHEET # 123 N.E. 3-1
	DATE OF PHOTOGRAPHY JANUARY 1986		

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

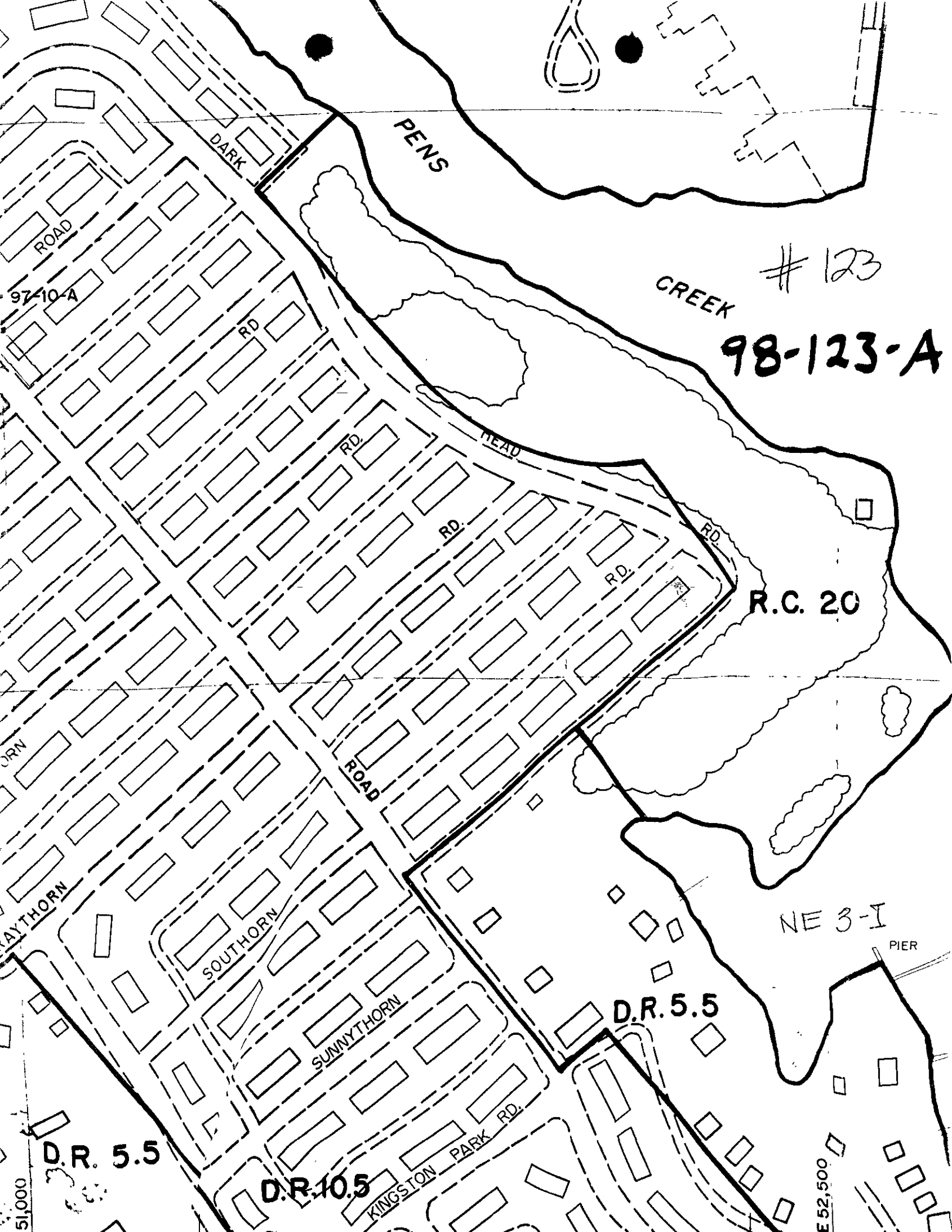
PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		DATE	SCALE	LOCATION	SHEET
	BY	DATE	1" = 200'	MIDDLE RIVER	N.E.
		12/1/54		KINGSTON	3-1
			DATE OF PHOTOGRAPHY DEC. 1954		
Topography Compiled By Photogrammetric Methods ABRAMS AERIAL SURVEY CORP. LANSING MICH.					

MICROFILMED



PENS

CREEK

#123

98-123-A

R.C. 20

NE 3-I

PIER

D.R. 5.5

D.R. 10.5

D.R. 5.5

97-10-A

DANK

ROAD

RD

RD

RD

RD

RD

ROAD

SOUTHERN

SUNNYTHORN

KINGSTON PARK RD

ORN

AYTHORN

51,000

E 52,500

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

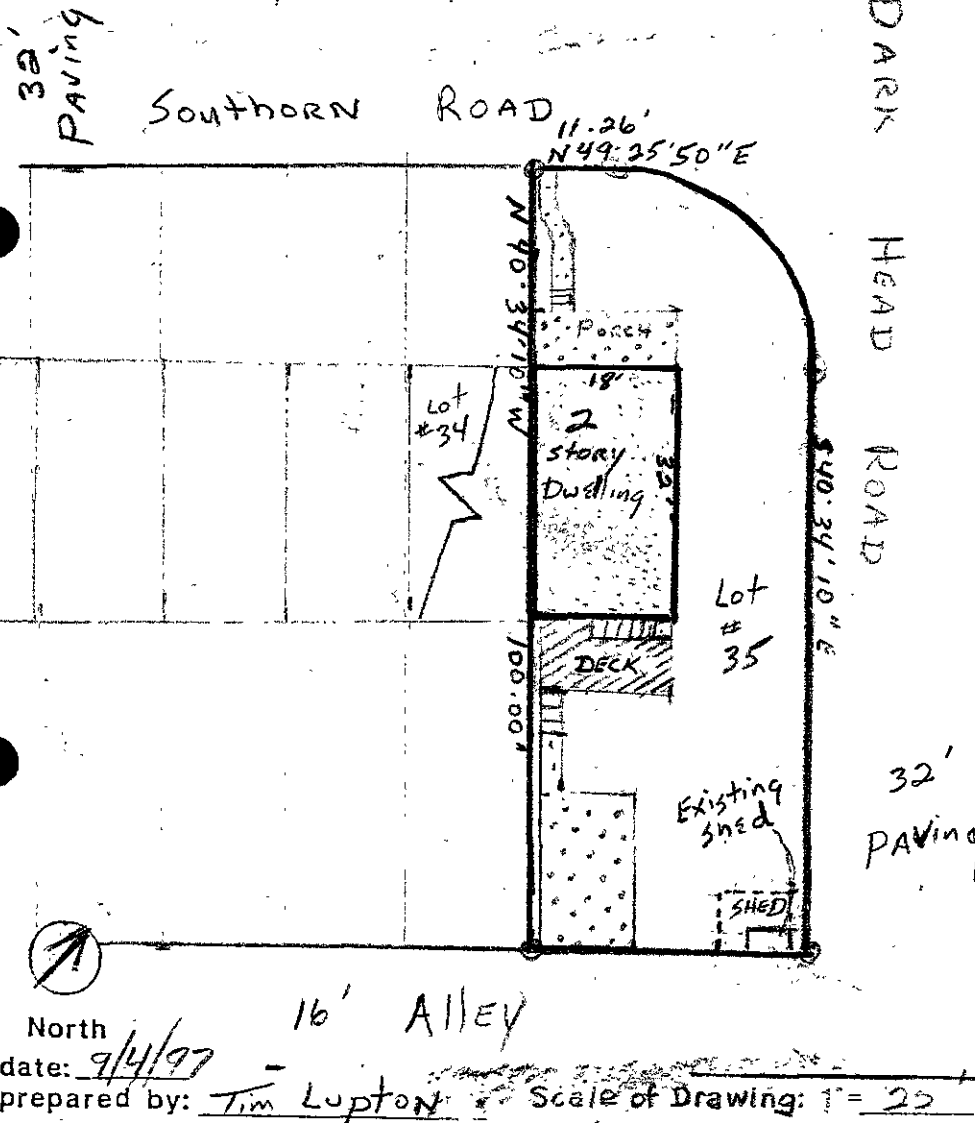
PROPERTY ADDRESS: 2268 Southern Rd.

see pages 5 & 6 of the CHECKLIST for additional required information

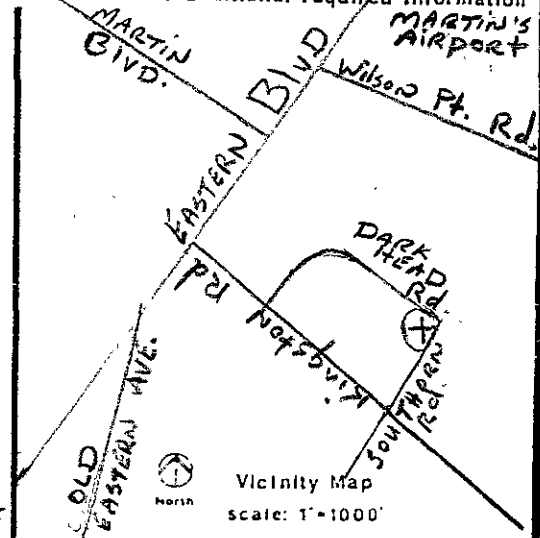
Subdivision name: HAWTHORNE

plat book # 19, folio # 141, lot # 35, section # 5

OWNER: Timothy & Kim Lupton



1 story Dwelling



LOCATION INFORMATION

Election District: 15TH

Councilmanic District:

1:200 scale map: NE 3-I

Zoning: D.R. 10.5

Lot size: _____
acres square feet

SEWER: ☒ public ☐ private

WATER: ☒ yes ☐ no

Chesapeake Bay Critical Area: ☐ yes ☒ no

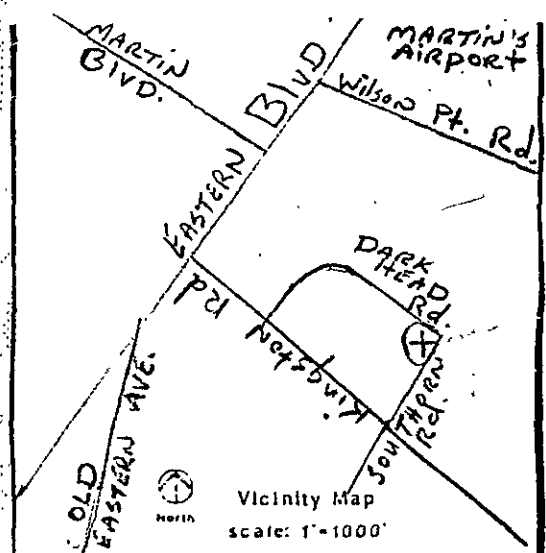
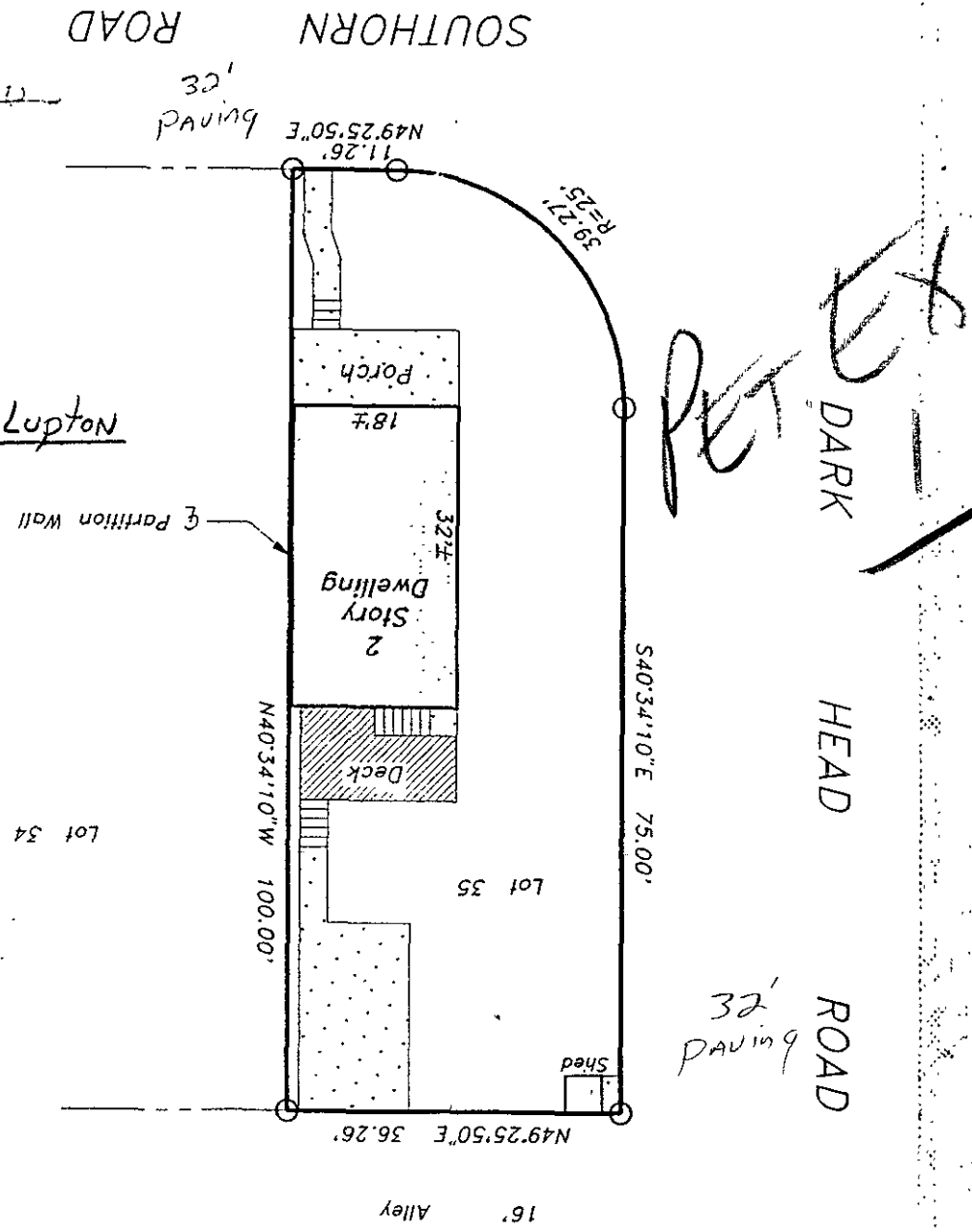
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE #: _____

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS
2268 Southern Road
 SUBDIVISION - NAME:
HAWTHORNE
 PLAT BOOK # 19
 Folio # 141
 Lot # 35
 SECTION # 5
 OWNER: Timothy & Kim Lupton



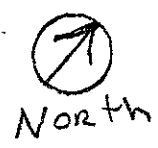
LOCATION INFORMATION

Election District 15TH
 Councilmanic District 5TH
 1:200 scale map NE 3-I
 Zoning DR. 10.5
 Lot size: 3600 square feet
 acreage

SEWER: ☒ Public ☐ Private
 WATER: ☒ Yes ☐ No
 Chesapeake Bay Critical Area: ☐ Yes ☒ No
 Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
 reviewed by: JK ITEM #: 123 CASE#:

98-123-A



SCALE OF DRAWING: 1" = 20'

RTGAGE INSPECTION DRAWING