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Date
By

IN RE: PETITION FOR ADMIN. VARIANCE
E/S Lodge Forest Drive, 40' N
of the c/l of Bay Front Road
(2100 Lodge Forest Drive)
15th Election District
7th Councilmanic District

Edward Gray, et ux Petitioners \* BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* Case No. 98-237-A

. . . . . . . . . .

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Edward and Theresa Gray, through their attorney, Leslie M. Pittler, Esquire. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing rear yard setback of 10 feet in lieu of the required 30 feet and from Section 303.1 of the B.C.Z.R. to allow a front setback of 20 feet in lieu of the minimum required average setback of 44 feet for a proposed 26' x 30' addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations

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(B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20 day of January, 1998 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing rear yard setback of 10 feet in lieu of the required 30 feet and from Section 303.1 of the B.C.Z.R. to allow a front setback of 20 feet in lieu of the minimum required average setback of 44 feet for a proposed 26' x 30' addition, 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.

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Date
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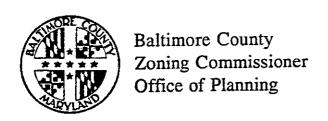
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2) Compliance with the Zoning Plans Advisory Committee comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated January 13, 1998, a copy of which has been attached hereto and made a part hereof.

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.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs



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

January 20, 1998

Leslie M. Pittler, Esquire 29 W. Susquehanna Avenue, Suite 610 Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE

E/S Lodge Forest Drive, 40' N of the c/l of Bay Front Road

(2100 Lodge Forest Drive)

15th Election District - 7th Councilmanic District

Edward Gray, et ux - Petitioners

Case No. 98-237-A

Dear Mr. Pittler:

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,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. & Mrs. Edward Gray 2100 Lodge Forest Drive, Baltimore, Md. 21219

Thesapeake Bay Critical Areas Commission 45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel

File

ORDER RECEIVED/EDR FILING

ESTIMATED POSTING DATE 29 De 97

# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at

2100 Lodge Forest Drive

which is presently zoned

Zoning Commissioner of Battimore County

DR5.5

		_ <del></del>
The undersign hereto and ma	shall be filed with the Dept. of Permits & Development Management gned, legal owner(s) of the property situate in Baltimore County and which is described in the description ade a part hereof, hereby petition for a Variance from Section(s)  Section 1802.3.	to allow an
<del>303.1</del>	existing tear yard cetback of 10' in 11e4 of the regule extended, + 303.1 to allow a front setback of 20' average setback as close as 44'	

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

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

SEE Reverse

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

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) Contract Purchaser/Lesses Edward Gray (Type or Print Name) Signature Theresa Gray (Type or Print Name) Address Attorney for Petitioner 2100 Lodge Forest Dr. 410-477-8732 Baltimore, Maryland 21219 Zipcode W. Susquehanna Ave Ste Address A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Battimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

on Recycled Paper

# 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	2100 Lodge	Forest Dr	ive	<del></del>
	Baltimore,	Maryland	21219	Zip Code
That based upon personal knowledge, the followork Variance at the above address: (indicate hardship or	practical difficulty)			dministrative
Area where addition	<del>_</del>			
With this in mind, we				
garage with mother-in	ı-law livin	<del>g space ab</del>	ove.	
	1			
				V*************************************
That Affiant(s) acknowledge(s) that if a protes may be required to provide additional information of the country of the countr	TIMORE, to wit:  December ersonally appeared sa Gray	(signature)  Theres (type or print nam  . 1997 , before  me as such Affianti(s	a Gray ore me, a Notary	Public of the State
AS WITNESS my hand and Notarial Seal.	are true and correct to	o the best of his/her/u	ieir kilowieuge a	isa oener.
December 12, 1997	NOTAL	hulf	My	<u> </u>
Case	My Com	mission Expires: 11	/01/01	



### Zoning Description For 2100 Lodge Forest Drive

Beginning at a point on the east side of Lodge Forest Dr. which

Ab is 20 wide at a distance 18 North of the centerline of the

nearest improved intersecting street Bay Front Road which is 18 wide. Being Lot #1032 Block \_\_\_\_\_, Section #\_\_\_\_, in subdivision of Chesapeake Terr. as recorded in Baltimore County Plat Book #8,

Folio #86, containing 10.875± square feet. Also known as 2100

Lodge Forest Drive and located in the 2nd Election District and the 7th Councilmanic District.



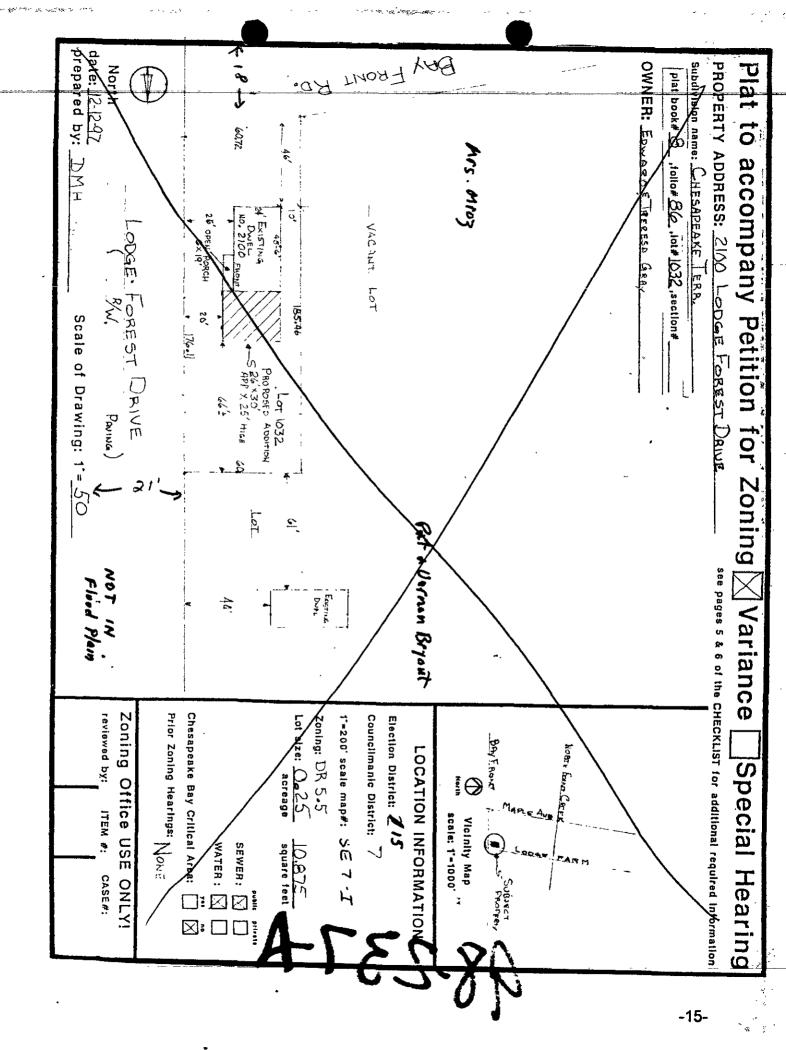
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YELLOW - CUSTOMER	2100 Locke Frank	that day hankally	AMOUNT \$ 50.00	ACCOUNT R. CONT. C. 15.0	No. 046962	BALTINIORE COUNTY, MAI AND  OFFICE OF BUDGET & FINANCE
CASHEN:S VALIDATION		LANGE COMPANIE CONTRACTOR OF THE CONTRACTOR OF T	New 12, and 0.473 (S.Y. Id.)	SECTION SOCIAL SOCIAL SOCIAL DE SOCI		the signatures is written the signature of



# Baltimore County Department of Permits and Development Management

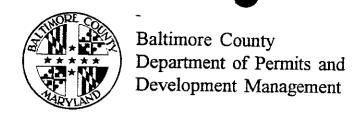
# -ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

and the state of t	Development Processing County Office Building 111 West Chesapeake Avenue
Baltimore County	County Office Building
Department of Permits and	
Development Management	Towson, Maryland 21204
•	
ZONING HEARING ADVERTISING AND POSTING	REQUIREMENTS & PROCEDURES
Baltimore County zoning regulations require general public/neighboring property owners is the subject of an upcoming zoning hearing require a public hearing, this notice is account to the property (responsibility of which, I petitioner/applicant) and placement of a nonewspaper of general circulation in the Countries of the coun	relative to property which  ig. For those petitions which  complished by posting a sign  lies with the  otice in at least one  inty.  wirements for advertising are
Billing for legal advertising, due upon rec should be remitted directly to the newspape	eipt, will come from and
NON-PAYMENT OF ADVERTISING FEES WILL STAY	ISSUANCE OF ZONING ORDER.
ARN	HOLD JABLON, DIRECTOR
ARN For newspaper advertising:	NOLD JABLON, DIRECTOR
	NOLD JABLON, DIRECTOR
For newspaper advertising:	OLD JABLON, DIRECTOR
For newspaper advertising:  Item No.: 237	NOLD JABLON, DIRECTOR
For newspaper advertising:  Item No.: 237  Petitioner:  Location:  PLEASE FORWARD ADVERTISING BILL TO:	Sepular Kentebanke Espera (1997) Anderson de la companya de la com
For newspaper advertising:  Item No.: 237  Petitioner:  Location:  PLEASE FORWARD ADVERTISING BILL TO:  NAME: Ar. Edward Mason	Sepular Kentebanke Espera (1997) Anderson de la companya de la com
For newspaper advertising:  Item No.: 237  Petitioner:  Location:  PLEASE FORWARD ADVERTISING BILL TO:	Sepular Kentebanke Espera (1997) Anderson de la companya de la com
For newspaper advertising:  Item No.: 237  Petitioner:  Location:  PLEASE FORWARD ADVERTISING BILL TO:  NAME: Mr. Edward Mason  ADDRESS: 6302 North point Rel.	Sepular Kentebanke Espera (1997) Anderson de la companya de la com
For newspaper advertising:  Item No.: 237  Petitioner:  Location:  PLEASE FORWARD ADVERTISING BILL TO:  NAME: Ar. Edward Mason  ADDRESS: 6302 North point Rel.	Bolto HD 21219:
For newspaper advertising:  Item No.: 237  Petitioner:  Location:  PLEASE FORWARD ADVERTISING BILL TO:  NAME: Mr. Edward Mason  ADDRESS: 6302 North point Ref.	Sepular Kentebanke Espera (1997) Anderson de la companya de la com
For newspaper advertising:  Item No.: 237  Petitioner:  Location:  PLEASE FORWARD ADVERTISING BILL TO:  NAME: Mr. Edward Mason  ADDRESS: 6302 North point Ref.	Bolto HO 2/2/9
For newspaper advertising:  Item No.: 23\  Petitioner:  Location:  PLEASE FORWARD ADVERTISING BILL TO:  NAME: Mr. Edward Mason  ADDRESS: 6302 North point Rel.  PHONE NUMBER: 410 477-5500	Sepular Kentebanke Espera (1997) Anderson de la companya de la com



# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Folest
Case Number 98- 237 -A Address 2100 Lodge FARTRO
Contact Person: Krts M. Wall Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 18 Dec 9) Posting Date: 29 Dec 1997 Closing Date: 13 Jan 199
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. <u>POSTING/COST:</u> The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE</u> : The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted. denied, or will go to public hearing. The order will be mailed to you by First Class mail.
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 zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 98- 237 -A Address 2100 Ladge Fran Ru
Posting Date: Closing Date:
Wording for Sign: To Permit ALLOW A READ VARD SETRACE OF 10'
of 20 in lies of 44
Dr 10 125 1 10 10 10 10 10 10 10 10 10 10 10 10 1



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

January 7, 1998

Leslie M. Pittler, Esquire 29 W. Susquehanna Avenue, Suite 610 Towson, MD 21204

RE: Item No.: 237

Case No.: 98-237-A

Petitioner: Edward Gray, et ux

Dear Mr. Pittler:

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 December 18, 1997.

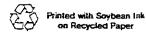
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are 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).

W. Col Richard

W. Carl Richards, Jr. Zoning Supervisor

WCR/re
Attachment(s)





David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 12.31.57 Item No. 237 (CAM)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief

P.J. Soulli

**Engineering Access Permits** 

Division

LG

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

**DATE:** December 30, 1997

Dept. of Permits & Development Management

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. 232, 233, 236, 237, 241, and 242

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:

Edy L. Kens

AFK/JL

#### Baltimore County Government Fire Department



700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

January 5. 1998

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 December 29, 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.

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

231, 232. 233. 236, 237, and 241

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881. MS-1102F

cc: File



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

January 13, 1998 DATE: Arnold L. Jablon To: Bruce Seeley /// From: Zoning Item #237 Subject: Gray Property, 2100 Lodge Forest Drive Zoning Advisory Committee Meeting of December 29, 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 Χ 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), if the property is being subdivided according to the Development Regulations. 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).

ORDER RECEIVED FOR FILING
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**- 200¹**-

SUBJECT PROPERTY

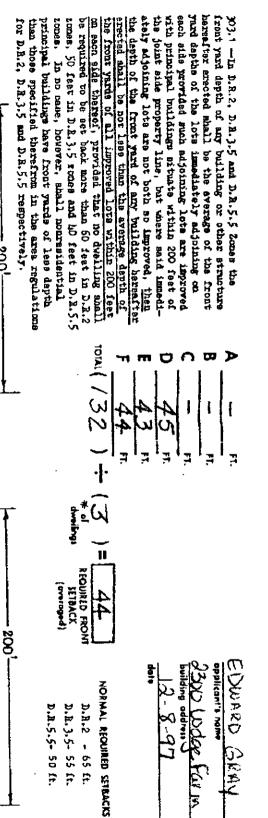
VACANT

3

center line of street paring-

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESILENCE ZONES
WHEN THE DAMEDIATE ADJOINING LOTS ARE NOT DEPROVED. Reference - Section 303, 1 Baltimore County Zoning Regulations

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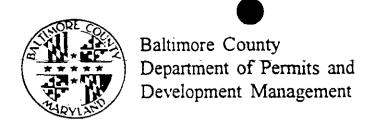


GOWARD GRAV 2300 Lodge Far in

98-23

237	DMH Scale of Drawing: 1'=50	prepared b
Zoning Office USE ONLY! reviewed by: ITEM #: CASE#:	LOUGE FOREST VEIVE  PAVINA  PAVINA  TURN  TURN	North date: J2-12-97
Chesapeake Bay Critical Area: 🔲 🔀 Prior Zoning Hearings: None		
	60.72 No. 2100 FROSH 4-5 26' x 30' HIGH 60 26' OPEN PORCH 20' 60.72 APP X 25' HIGH 60 14'	E-181-3
1-200' scale map#: SE 7].  Zoning: UR 5.5  Lot size: Oe25 10.875  acreage square feet		· 608 -
LOCATION INFORMATION  Election District: X 15  Councilmanic District: 7	YACANI LOT	N ERON
Vicinity Map  North scale: 1'=1000'	Mrs. Mro3	Bé
MARIE AVE		
	A USESEST GEBY	OWNER: EDWARDE
o & o or the CHECKLIST for additional required information	2, section#	Subdivision nam
e Special Hearing	tition for Zoning V	Plat t

98-237-A -15-



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

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

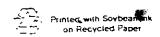
Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

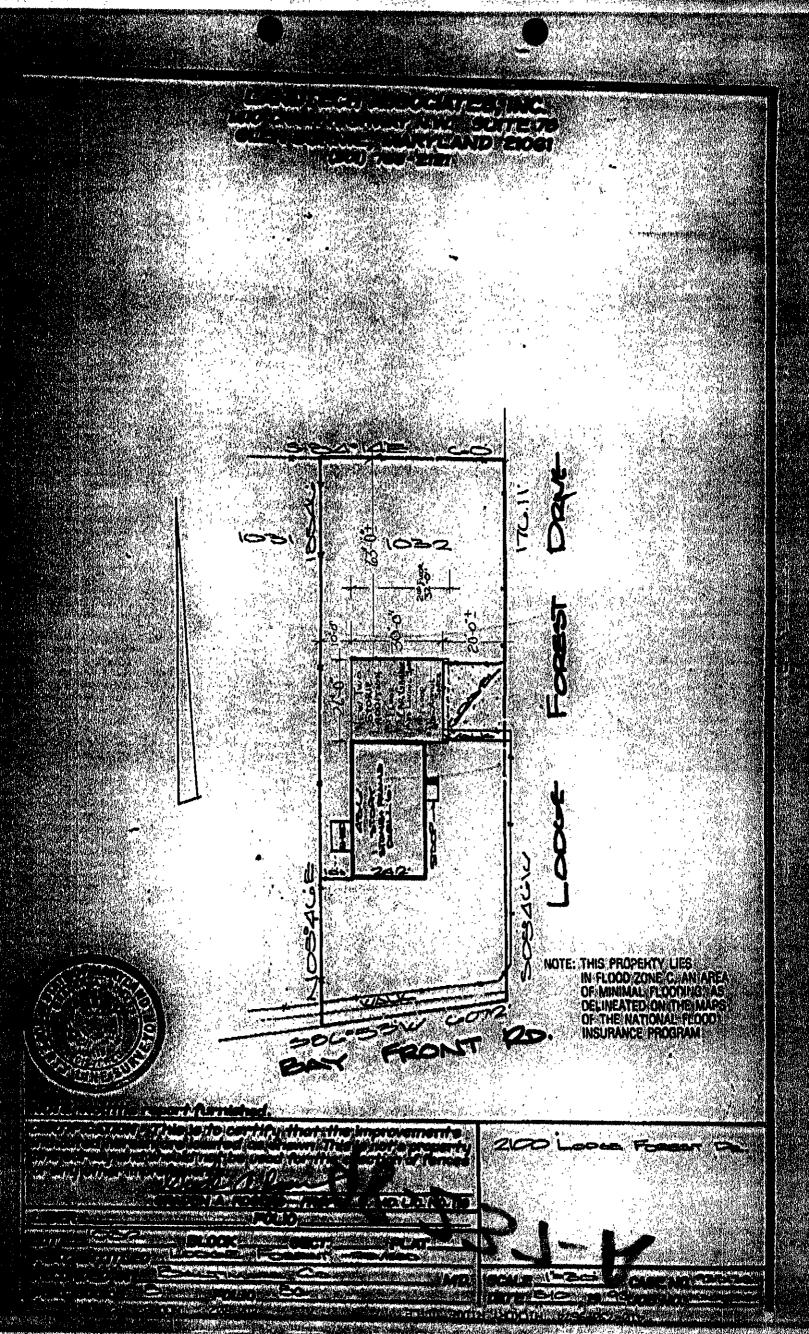
This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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

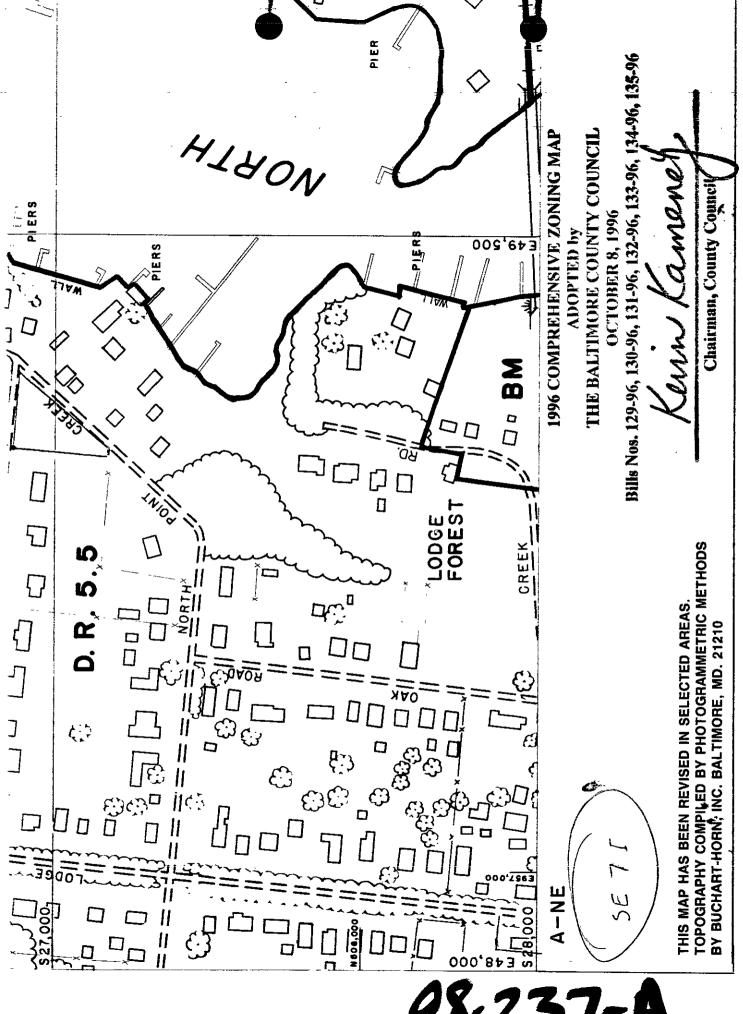
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

			DIRECTOR	
For newspaper advertising:				
Item No.:				i
Petitioner:				4
Location:	<del>_</del>			
PLEASE FORWARD ADVERTISING BILL TO:				
NAME:				
ADDRESS:				<del></del>
PHONE NUMBER:				
AJ:ggs		(Rev	rised 09/24	/96)





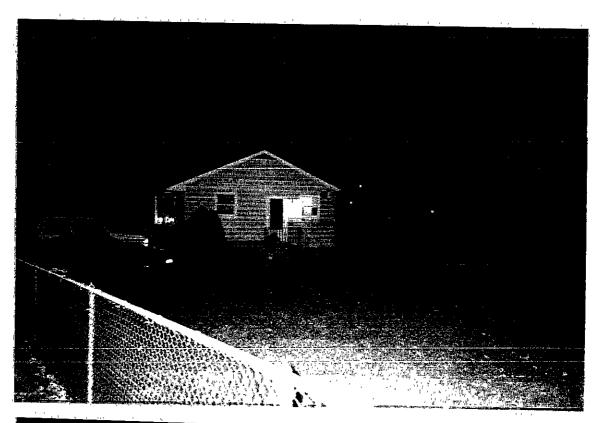


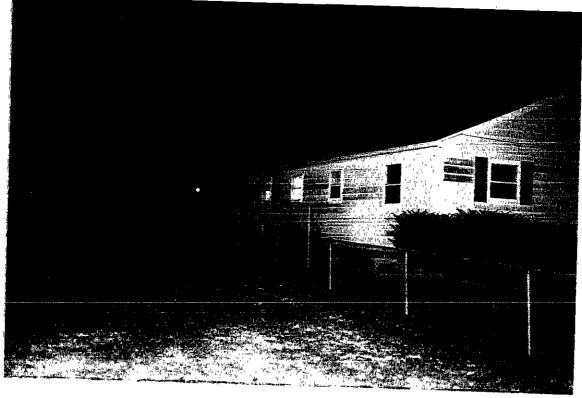






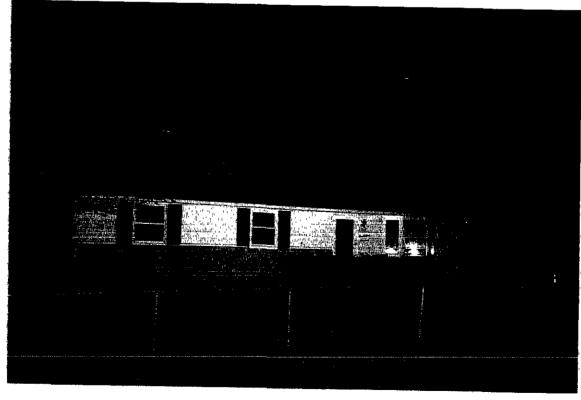
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