IN THE MATTER OF
THE APPLICATION OF
PATRICK LYNCH, ET UX -PETITIONERS
FOR VARIANCE ON PROPERTY LOCATED
ON THE W/END CHESTNUT WOODS COURT,
1320' W OF C/L RED TREE LANE
(2616 CHESTNUT WOODS COURT)
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

\*

BEL RE THE

\* COUNTY BOARD OF APPEALS

OF

\* BALTIMORE COUNTY

\* CASE NO. 98-490-A

### ORDER OF DISMISSAL OF PETITION

This case comes to the Board on an appeal filed by David Sellman, Esquire, on behalf of Mr. and Mrs. David Sellman and Mr. and Mrs. Emanuel Levin, Appellants / Protestants, from the September 10, 1998 Order of the Deputy Zoning Commissioner in which the subject Petition for Variance was denied in part and granted in part.

WHEREAS, the Board is in receipt of a letter of withdrawal of Petition filed March 23, 1999 by Patrick J. Lynch, Petitioner (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioner requests that the Petition for Variance filed in the above-referenced matter be withdrawn as of March 23, 1999,

IT IS THEREFORE, it is this 27th day of April ,

ORDERED that the Petition for Variance filed in Case No. 98-490-A is WITHDRAWN AND DISMISSED, and that the Deputy Zoning Commissioner's Order of September 10, 1998, including the relief granted therein, is rendered null and void.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Charle Cond	
Charles L Marks, Chairman	
Lawrence Mr Stahl  Thomas P. Melmo	
Thomas P. Melvin	



# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

April 27, 1999

David S. Sellman, Esquire 201 N. Charles Street, Suite 1330 Baltimore, MD 21201

RE: In the Matter of Patrick Lynch, et ux Case No. 98-490-A Withdrawal of Petition

Dear Mr. Sellman:

Enclosed please find a copy of the Board's Order of Dismissal of Petition issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Chulotto E. Raelchibe 600 Kathleen C. Bianco Administrator

encl.

cc: Mr. and Mrs. David Sellman Mr. and Mrs. Emanuel Levin

Mr. and Mrs. Patrick Lynch

Mr. Jerry Schultz Mr. Ron Friedenbery

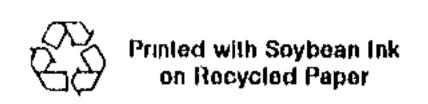
People's Counsel for Baltimore County

Pat Keller, Director /Planning

Lawrence E. Schmidt /Z.C.

Arnold Jablon, Director / PDM

Virginia W. Barnhart, County Attorney



ORDER RECEIVED FOR FILING Date

3y IN RE: PETITION FOR VARIANCE

W/end of Chestnut Woods Court, 1320' W of c/l Red Tree Lane (2616 Chestnut Woods Court)

4th Election District
3rd Councilmanic District

Patrick Lynch, et ux Petitioners \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 98-490-A

\*

\* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Patrick and Bonnie Lynch. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 21 feet in lieu of the required 50 feet for a proposed dwelling. 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.

Appearing at the hearing on behalf of the Petition was Bonnie Lynch, co-owner of the subject property. Appearing as Protestants in the matter were David Sellman and Jerry Schultz, adjoining property owners.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel consisting of a gross area of 5.7341 acres, more or less, zoned R.C.5, and is presently unimproved. The property is also known as Lot 23 of Chestnut Woods, a relatively new development in Worthington Valley, which obtained development plan approval in February 1996, despite much opposition from surrounding residents. The subject lot is located at the end of Chestnut Woods Court but is accessed via a private driveway easement out to that road, inasmuch as the lot itself does not have direct road frontage. The rear of the property abuts the rear of the

ORDER RECEIVED BY FILING By Ste

lots which front on Waterspout Court, an adjacent residential subdivision. The Petitioners purchased the subject property approximately one year ago and are desirous of developing their lot with a single family dwelling. However, due to the location of the property almost entirely in a 100-year flood plain, and the required forest buffer easement and septic reserve areas, the proposed dwelling must be located in the southeasternmost corner (front) portion of the site near the entrance to their property off the private driveway easement. As a result of this location, however, the proposed dwelling will be located only 21 feet from the side property line adjoining the property owned by Jerry Schultz, who appeared as a Protestant Given the size of the house and the extremely limited in this matter. building area on this large parcel of land, the requested variance is necessary in order to develop the property as proposed. It is to be noted that, as an alternative, the Petitioners attempted to move the house further north on their lot into the forest buffer easement area; however, the Department of Environmental Protection and Resource Management (DEPRM) would not permit any encroachment into this easement area. Thus, the Petitioners were forced to locate the house where shown on Petitioner's Exhibit 1.

As noted above, Jerry Schultz and David Sellman, adjoining property owners, appeared in opposition to the request. Mr. Schultz testified that he is opposed to the Lynch's home being located 21 feet from his side property line. He believes that the Petitioners have some flexibility in siting the house on the property and that the house could be located as much as 40 feet away from his property line. Mr. Sellman, who resides on Waterspout Court immediately to the rear of the subject property, is also opposed to the requested variance. He believes that the Petitioners should

ing further out of his site line from Waterspout Court. In addition, all parties at the hearing agreed that the manner in which the house is proposed to be situated on the property will affect the views of surrounding residents and that moving same a little further north on the lot would minimize its impact on neighboring properties.

It was clear from the testimony and evidence presented at the hearing that the Petitioners needed some flexibility from the building

maintain the required 50-foot setback which would move the proposed dwell-

hearing that the Petitioners needed some flexibility from the building restriction lines if they are to build this particular house on their property. Ms. Lynch testified that she and her husband have already spent a great deal of time and money with an Architect to develop a design that would meet their needs and conform to the building envelope on this property to the extent possible.

After the hearing, I met with Ms. Valerie Kline, a representative of DEPRM, who initially denied the Petitioners' request to impose upon the forest conservation easement area. Ms. Kline indicated that she would reevaluate her position and agreed to allow the Petitioners to infringe into northern edge of the forest conservation easement area on their property a minimum of 19 feet. Moving the house an additional 19 feet in a northerly direction would allow the proposed dwelling to be located 40 feet from the common property line shared with the Schultz family. Actually, that portion of the proposed development which will infringe upon the forest conservation easement area is a macadam parking area, not the house itself. However, the Petitioners should modify this parking area, if possible, to further minimize its encroachment into the forest conservation area.

Therefore, having considered the testimony and evidence of the neighbors who attended the hearing, as well as the input of Ms. Kline of

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DEPRM, I find that a modified variance can be granted. It is clear that practical difficulty or unreasonable hardship will result if some relief is not granted the Petitioners, given the site constraints associated with this property. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular In my view, a variance of 40 feet from the side setback requirement in lieu of the requested 21 feet is appropriate in this instance and should be granted. A variance of 40 feet will allow construction of the proposed macadam driveway within a small portion of the forest buffer easement, thereby allowing the house itself to be built 40 feet from the Schultz' Furthermore, based upon the testimony presented at the property line. hearing, shifting the house another 19 feet in a northerly direction will reduce its impact upon the site lines of the neighbors to the rear of this property. In addition, the modified variance will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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 10 day of September, 1998 that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 21 feet in lieu of the required 50 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

TT IS FURTHER ORDERED that a variance to permit a side yard setback of 40 feet in lieu of the required 50 feet, in accordance with the modified relief approved herein, shall be GRANTED, subject 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) Within thirty (30) days of the date of this Order, Petitioners shall submit a revised site plan to the Department of Permits and Development Management (DPDM) showing the new location of the proposed dwelling, given the modified relief granted herein.
- 3) Prior to the issuance of any permits, the Petitioners shall obtain a variance from the forest conservation buffer requirements established by the Department of Environmental Protection and Resource Management (DEPRM) to permit encroachment into the northern area of the forest conservation easement on the subject property a maximum distance of 19 feet. As noted at the hearing, that portion of the proposed development which will actually encroach into this area is the proposed macadam parking area, and not the house. This parking area shall be modified to the extent possible to minimize its encroachment into the forest buffer easement area.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

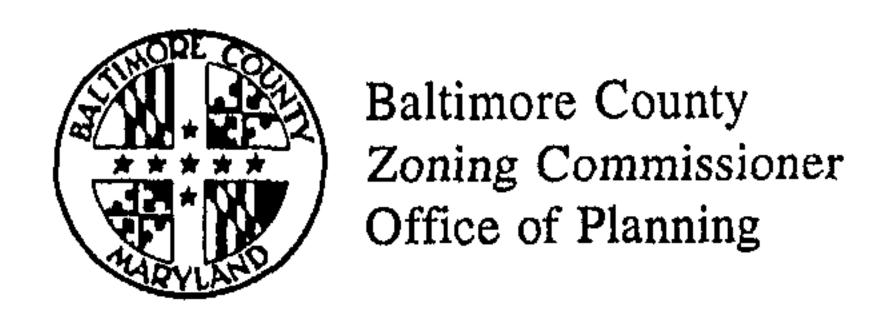
for Baltimore County

TMK:bjs

ORDER RECEIVED Date

By

TILING TILING



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

September 10, 1998

Mr. & Mrs. Patrick Lynch P.O. Box 5194 Timonium, Maryland 21093

RE: PETITION FOR VARIANCE
W/end of Chestnut Woods Court, 1320' W of c/l Red Tree Lane
(2616 Chestnut Woods Court)
4th Election District - 3rd Councilmanic District
Patrick Lynch, et ux - Petitioners
Case No. 98-490-A

Dear Mr. & Mrs. Lynch:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance, as modified herein, 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

with, lotroeco

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. Jerry Schultz

185 Lowes Way, Pasadena, Md. 21122

Mr. David Sellman

12618 Waterspout Court, Owings Mills, Md. 21117

Mr. Ron Friedenbery

219 Delight Meadows Road, Reisterstown, Md. 21136

Mr. & Mrs. Emanuel Levin

12627 Waterspout Court, Owings Mills, Md. 21117

People's Counsel; Case Files



JEOR FILING

ORDER RECEIVED

Date

# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 2616 CHFSTNUT WASSIT CONST which is presently zoned R.C.S.

This Petition shall be filed with the Department of Permits & 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)

Section 1A04.3. B.3 to allow a side yard setback of 21' in lieu of the required 501.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or PLEASE SEG ATTACHOR.

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:	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);
(Type or Print Name)	Type or Print Name)
	(Type of Print Name)
Signature	Signature -
Address	(Type or Print Name)
City	Bonnie Lynd
Attorney for Petitioner:	Signature
(Type or Print Name)	P.O. BOX 5794 (H) 416 252-3041  Address Phone No
Signature	City  Name, Address and phone number of representative to be contacted.
Address Phone No.	PATRICK 14 MILH
State	Zipcode P.O. BOX 5194 TO MINION MO 21094  Address Phone No. 4106628720
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
	unevailable for Hearing
Printed with Soybean Ink	the following dates Next Two Months
Revised 9/5/95	ALLOTHER
Revised 9/5/95	REVIEWED BY: 1382 DATE 6/24/98
7017	#49x

The original proposed site was encroaching into the 35 foot setback of the forest conservation easement. In discussion with the Dept. of Environment they would not allow the house to sit within that setback although the integrity of the forest is one of our concerns and desires for the lot.

Therefore in is necessary to move the house, and we request a zoning variance to move into the 50 foot setback of the southern property line.

ORDER REGERENCE ORDER OR

#### ZONING DESCRIPTION FOR 2616 CHESTNUT WOODS

Beginning at a point on the western most end of Chestnut Woods Court which is 40 feet wide at a distance of 1320 feet west of the centerline of the nearest improved street Red Tree Lane which is 40 feet wide. Being Lot #23 in the subdivision of Chestnut Woods as recorded in Baltimore County Plat Book # SM 69, Folio # 42, containing 5.73 acres. Also known as 2616 Chestnut Woods Court and located in the 4th election district.

98-490-A

#490

BALTIMORE COUNTY, MARYLAND  OF BUDGET & FINANCE  MISCELLANEOUS RECEIPT	PROCESS ACTUAL 11M: 11M: 11M: 11M: 11M: 11M: 11M: 11M
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FROM:	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION
BALTIMORE COUNTY, MARYLAI  OFFICE OF BUDGET & FINANCE  MISCELLANEOUS RECEIPT  DATE 6/24/49 ACCOUNT COUI-6/5 D  AMOUNT \$ 50.00	PROCESS ACTIVAL TIME 6/24/1998 6/24/1990 13:41:40  KEL WROT COCHLER PARS FEW DRAWER 5 MISSELLANDUS CASH RECEIPT Receipt # 0/9554 OFFEH CR NO. 056166
FOR: Zoning Variance	That hore county, has y light  8 -490 - A
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

# NOTICE OF ZONING

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

Case: #98-490-A 2616 Chestnut Woods Court N/S Chestnut Woods Court, 1320' W of Red Tree Lane 4th Election District 3rd Councilmanic District Legal Owner(s): Patrick Lynch & Bonnle Lynch

Variance: to allow a side yard setback of 21 feet in lieu of the required 50 feet. Hearing: Tuesday, July 28, 1998 at 10:00 a.m., In Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for **Baltimore County** 

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

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

7/224 July 9

C242393

# CERTIFICATE OF PUBLICATION

TOWSON, MD., 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 weeks, the first publication appearing on

> THE JEFFERSONIAN, LEGAL AD. - TOWSON

# CERTIFICATE OF POSTING

· ·	
•	Petitioner/Developer: PFB. LYNCH , E7
	* ************************************
ľ	Date of Hearing/Closing: 7/28/98
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	RM-407 CCB
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
The sign(s) were posted on	# 2616 CHESTNUT WOODS CT  10/98  Day, Year)
	cerely.
CASE DATE (ENCLUMINATION OF THE STREET OF TH	(Signature of Sign Poster and Date)  Patrick M. O'Keele  (Printed Name)  523 Penny Lane  (Address)  Hunt Valley, MD 21030  (City, State, Zip Code)  (Telephone Number)

. . . .

Post-it Fax Note

SYS

41-905-8571

98-490-A 2616 CHESTNUT WOODS CT, 7/28

# CERTIFICATE F POSTING

•	RE: Case No.: 98-490-A
	Petitioner/Developer:
	PATRICK LYNCH
	Date of Hearing/Closing:
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Ladies and Gentlemen:	
The sign(s) were posted on	8/98
	(Month, Day, Year)
2/3/99 T/C TO GARY SIGN TO BE MOVED	Sincerely,  Sang Can 12/28/98
TO THE DRIVEWAY	(Signature of Sign Poster and Date)
EASIEMENT WHICH ACCESSES	
Lot #23	GARY C- FREUND
14/99	GARY C- PREUND  (Printed Name)
THERE DANIELD TO OTHER	
SIGN MOVED TO OTHER SIDE OF DRIVEWAY.	(Printed Name)

9/96 cert.doc 2/03/99

Char --

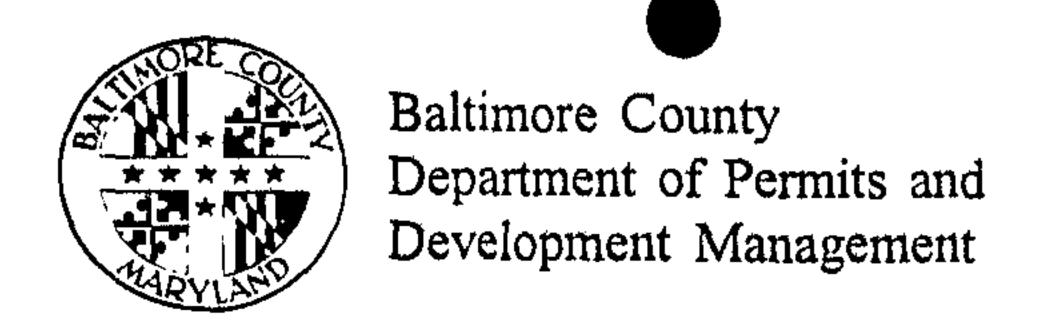
When you can, we need to have a sign moved a little --

In case No. 98-490-A /Patrick Lynch, et ux /2616 Chestnut Woods Court (Lot #23), the sign is posted on a neighboring property, rather than on the driveway easement which will be used to access Lot #23 when it is developed.

The neighboring property owner has her listed for sale, and has been receiving telephone calls regarding our sign -- from individuals who believe she has a zoning case pending.

See what you can do to have this re-posted.

Thanks. kathi



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.

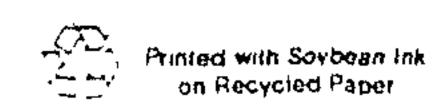
Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

	ARNOLD	JABLON,	DIRECTOR
For newspaper advertising:	بية فيض من من الله فض من من ا		************
Item No.: 490			
Petitioner: PATRICK LYNCH			
Location: 26/6 CHTTNUT WOOD	05 00	URIT	<del>'</del>
PLEASE FORWARD ADVERTISING BILL TO:			
NAME: PATORICK LYNCH		······································	
ADDRESS: P.O. BOX 5794 77 monet	Vm,	n De 2	1094
			<del></del>
PHONE NUMBER: (410) 662-8720		<b></b>	

98.490-A #490

(Revised 09/24/96)



AJ:ggs

Plat to acco	mpany	Petition	for	Zoning		/arianc	е	Special	Hearing	
PROPERTY ADDRESS	S:		<del></del>		see pag	es 5 & 6 of the C			equired Information	· <b>1</b>
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	ZONING NOTICE
	Case No.: 98-490-A
	A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
CE:	
TE AND TIME:	
QUEST: Var	iance to request a side yard setback
PONEMENTS D	UE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

TO: PATUXENT PUBLISHING COMPANY

July 9, 1998 Issue - Jeffersonian

Please forward billing to:

Patrick Lynch

410-662-8220

P.O. Box 5194

Timonium, MD 21094

#### NOTICE OF ZONING 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: 98-490-A
2616 Chestnut Woods Court
N/S Chestnut Woods Court, 1320' W of Red Tree Lane
4th Election District - 3rd Councilmanic District
Legal Owner: Patrick Lynch & Bonnie Lynch

Variance to allow a side yard setback of 21 feet in lieu of the required 50 feet.

**HEARING:** 

Tuesday, July 28, 1998 at 10:00 a.m. in Room 407, County Courts Building,

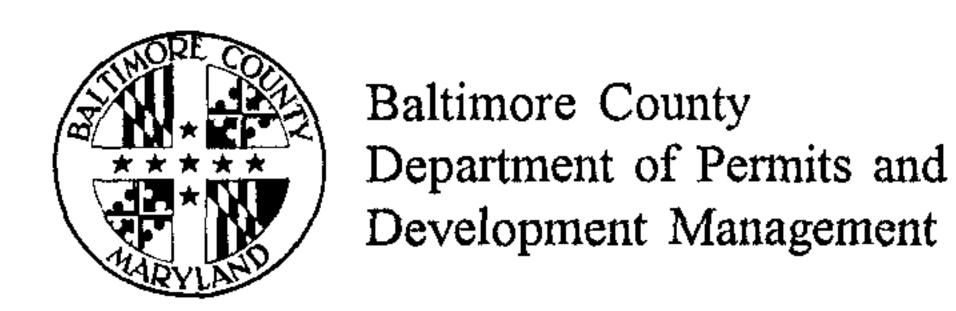
401 Bosley Avenue

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.



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

June 30, 1998

#### **NOTICE OF ZONING 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: 98-490-A 2616 Chestnut Woods Court

N/S Chestnut Woods Court, 1320' W of Red Tree Lane

4th Election District - 3rd Councilmanic District Legal Owner: Patrick Lynch & Bonnie Lynch

Variance to allow a side yard setback of 21 feet in lieu of the required 50 feet.

**HEARING:** 

Tuesday, July 28, 1998 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon

Director

c: Patrick & Bonnie Lynch

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JULY 13, 1998.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

Hearing Room -Room 48 Old Courthouse, 400 Washington Avenue

March 10, 1999

#### NOTICE OF ASSIGNMENT

CASE #: 98-490-A

IN THE MATTER OF: PATRICK LYNCH, ET UX -Petitioners 2616 Chestnut Woods Court 4th Election District; 3rd Councilmanic

(D.Z.C.'s\ Order -Petition for Variance DENIED in part and GRANTED in part /requested 21' setback; granted 40\)

#### ASSIGNED FOR:

WEDNESDAY, MAY 12, 1999 at 1:00 p.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted\without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

> Kathleen C. Bianco Administrator

Counsel for Appellants / Protestants : David S. Sellman, Esquire CC:

Appellants / Protestants : Mr. and Mrs, David Sellman Mr. and Mrs. Emanuel Levin

Petitioners

: Mr. and Mrs. Patrick Lynch

Mr. Jerry Schultz Mr. Ron Friedenbery

People's Counsel for Baltimore County Pat Keller, Director /Planning Lawrence E. Schmidt /Z.C. Arnold Jablon, Director /PDM Virginia W. Barnhart, County Attorney

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

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

**DATE**: July 8, 1998

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

SUBJECT: Zoning Advisory Petitions

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

Item No. 490

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Section Chief:\_

AFK/JL

9 1998

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: July 8, 1998

Department of Permits & Development

Management

FROM: Robert W. Bowling, Chief
Development Plans Review Division

Zoning Advisory Committee Meeting

for July 13, 1998

Item Nos. 489, 490 and 491

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File



Parris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams
Administrator

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204 RE: Baltimore County 6.30.91

Item No. 497

BZ

Dear Ms. Stephens:

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 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

100

Ronald Burns, Chief

Engineering Access Permits

Division

LG



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

July 2, 1998

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

RE: Property Owner: PATRICK LYNCH AND BONNIE LYNCH

Location: DISTRIBUTION MEETING OF JULY 6, 1998

Item No.: (490)

Zoning Agenda:

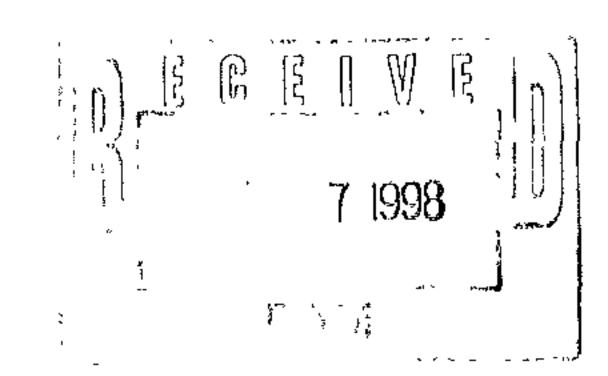
Gentlemen:

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Tm 1/28

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

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

**DATE**: July 8, 1998

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

SUBJECT: Zoning Advisory Petitions

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

Item No. 490

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Section Chief: My

AFK/JL

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

		DATE: 7/14/98
To:		Arnold L. Jablon
From:		R. Bruce Seeley かねり
Subject:	•	Zoning Item #490
		Lynch ,2616 Chestnut Woods Ct.
		Zoning Advisory Committee Meeting of July 6 1998
<del></del>	_	epartment of Environmental Protection and Resource Management has no comments on the above- nced zoning item.
		epartment of Environmental Protection and Resource Management requests an extension for the review above-referenced zoning item to determine the extent to which environmental regulations apply to the
		epartment of Environmental Protection and Resource Management offers the following comments on the -referenced zoning item:
<u>X</u>	<u>⟨</u> Dev	elopment 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.)
		elopment of this property must comply with the Forest Conservation Regulations (Sections 14-401 2 of the Baltimore County Code).
-	<del></del> -	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).
X	<b>〈</b>	DEPRM supprots this zoning variance as a means to prevent ecroachment into the Forest Concervation Easement.

BS:sp

RE: PETITION FOR VARIANCE 2616 Chestnut Woods Court, N/S Chestnut Wo	* ods	BEFORE THE
Court, 1320' W of Red Tree Lane, 4th Election		ZONING COMMISSIONER
District, 3rd Councilmanic	*	FOR
Legal Owners: Patrick and Bonnie Lynch	*	BALTIMORE COUNTY
Petitioner(s)	*	Case Number: 98-490-A
	<b>-</b>	Case Number. 30-430-A

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

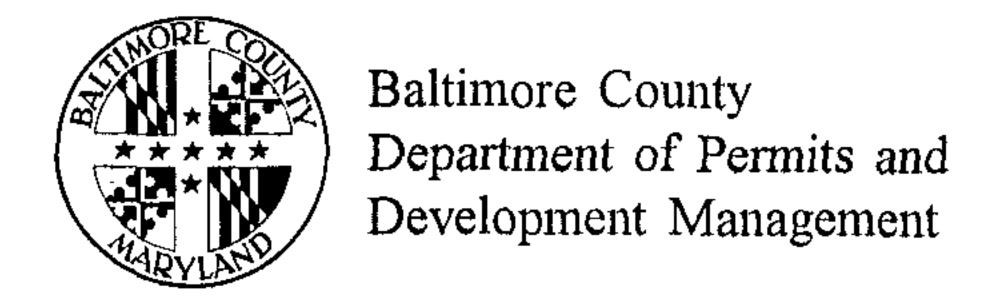
(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of July, 1998, a copy of the foregoing Entry of

Appearance was mailed to Patrick and Bonnie Lynch, P.O. Box 5194, Timonium, MD 21093, Petitioner(s).

PETER MAX ZIMMERMAN



Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

October 9, 1998

Mr. and Mrs. Patrick Lynch P.O. Box 5194 Timonium, MD 21094

Dear Mr. and Mrs. Lynch:

RE: Petition for Zoning Variance, Case No.: 98-490-A, 2616 Chestnut Woods Court, District: 4c3, Patrick Lynch, et ux - Petitioners

Please be advised that an appeal of the above referenced case was filed in this office on October 7, 1998 by David S. Sellman, Esquire on behalf of Mr. and Mrs. David Sellman and Mr. and Mrs. Emmanuel Levin. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

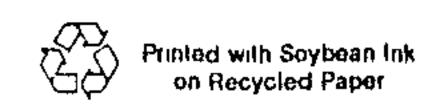
Sincerely,

Arnold Jabion\_

**Director** 

AJ:rye

c: Mr. Jerry Schultz Mr. Ron Friedenbery People's Counsel



#### APPEAL



Petition for Zoning Variance Wend of Chestnut Woods Court, 1320' W of c/l Red Tree Lane (2616 Chestnut Woods Court) 4th Election District - 3rd Councilmanic District Patrick Lynch, et ux - Petitioners Case Number: 98-490-A

Petition for Variance

Description of Property

Certificate of Posting

**Sertification of Publication** 

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners Sign-In sheet

Petitioners' Exhibits: 1 - Site Plan

Letter from Emanuel Levin and Sharon Levin to Commissioner Timothy Kotroco dated August 4, 1998

Deputy Zoning Commissioner's Order dated September 10, 1998 (Denied in Part, Granted in Part)

Notice of Appeal received on October 7, 1998 from David S. Sellman, Esquire on behalf of Mr. and Mrs. David Sellman and Mr. and Mrs. Emmanuel Levin

c: Mr. and Mrs. Patrick Lynch, P.O. Box 5194, Timonium, MD 21093

Mr. Jerry Schultz, 185 Lowes-Way, Pasadena, MD 21122 & 6/8 Chestrut Woods

\*\*Mr. David Sellman, 1261: Waterspout Court, Owings Mills, MD 21117

Mr. Ron Friedenbery, 219 Delight Meadows Road, Reisterstown, MD 21136

\*Mr. and Mrs. Emanuel Levin, 12627 Waterspout Court, Owings Mills, MD 21117 People's Counsel of Baltimore County, MS #2010 Timothy Kotroco, Deputy Zoning Commissioner

Arnold Jablon, Director of PDM

Counsel for Appellants /Protestants: David S. Sellman, Esquire 201 N. Charles Street, Suite 1330 Baltimore, MD 21201

#### **APPEAL**

Petition for Zoning Variance

Wend of Chestnut Woods Court, 1320' W of c/l Red Tree Lane

(2616 Chestnut Woods Court)

4<sup>th</sup> Election District - 3<sup>rd</sup> Councilmanic District

Patrick Lynch, et ux - Petitioners

Case Number: 98-490-A

Petition for Variance

**Description of Property** 

**Certificate of Posting** 

Certification of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners Sign-In sheet

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Notice of Appeal received on October 7, 1998 from David S. Sellman, Esquire on behalf of Mr. and Mrs. David Sellman and Mr. and Mrs. Emmanuel Levin

c: Mr. and Mrs. Patrick Lynch, P.O. Box 5194, Timonium, MD 21093
Mr. Jerry Schultz, 185 Lowes Way, Pasadena, MD 21122
Mr. David Sellman, 12618 Waterspout Court, Owings Mills, MD 21117
Mr. Ron Friedenbery, 219 Delight Meadows Road, Reisterstown, MD 21136
Mr. and Mrs. Emanuel Levin, 12627 Waterspout Court, Owings Mills, MD 21117

People's Counsel of Baltimore County, MS #2010 Timothy Kotroco, Deputy Zoning Commissioner Arnold Jablon, Director of PDM Case No. 98-490-A

VAR -To permit side yard setback of 21' ilo required 50' for proposed dwelling.

9/10/98 -D.Z.C.'s Order in which Petition for Variance was DENIED in part and GRANTED in part (DZC granted a 40' setback ilo required 50').

1/13/99 T/C from Jerry Schultz, adjoining property owner. Advised this office of new address (he has now moved to the adjoining property from his prior Pasadena address); new address noted as 2618 Chestnut Woods Court, Reisterstown, MD 21136. Indicated he had no objections to the variance of 40' as granted; wanted to be sure he was notified of hearing when scheduled before the Board.

- File cover sheet noted as to new address; envelopes corrected.

3/10/99 -Notice of Assignment for hearing scheduled for Wednesday, May 12, 1999 at 1:00 p.m. sent to following:

David S. Sellman, Esquire

Mr. and Mrs. David Sellman

Mr. and Mrs. Emanuel Levin

Mr. and Mrs. Patrick Lynch

Mr. Jerry Schultz

Mr. Ron Friedenbery

People's Counsel for Baltimore County

Pat Keller, Director /Planning

Lawrence E. Schmidt /Z.C.

Arnold Jablon, Director /PDM

Virginia W. Barnhart, County Attorney

3/18/99 - T/C from P. Lynch; advised CER that he no longer needed the variance granted by DZC; dwelling under construction with permits obtained in accordance with regulations; was not using variance; did not need it. He indicated that he would be sending letter withdrawing his Petition for Variance.

3/23/99 -Letter from P. Lynch -- withdrawing Petition for Variance.

T/C to Dr. Lynch to confirm that he had applied for permits utilizing 50' setbacks required by regulations; confirmed same; Dr. Lynch also indicated that he would not need the 40' variance granted below and that he was not proceeding any further with this matter.

-T/C to D. Sellman; also copy of Dr. Lynch's letter to D. Sellman by FAX this date. L.M. for Mr. Sellman that the Board would be issuing an Order of Dismissal of Petition; further, that said Order would include statement that any relief granted by the Deputy Zoning Commissioner in his order of September 10, 1998 would be null and void; that said Order would be issued in about one week.

NAME:

03/23/1999 12:48 BOARD OF APPEALS 4108873182 4108873180

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# of pages Date 🗘 7671 Post-it® Fax Note Diauco From ellwan Co. 8873180 Co./Dept. Phone #410 Phone # Fax# 576 0140 Fax # // //)

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\*\*:----

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** March 15, 2000

Permits & Development Management

Charlotte E. Radcliffe FROM:

County Board of Appeals

SUBJECT: Closed Files /Case Nos.:

98-468-SPHXA /Abraham P. Korotki

99-72-A /Joseph F. Evering, Jr. & Alban Tractor Co. 98-490-A /Patrick Lynch, et ux

98-445-SPHA /Blackhorse Run Jt. Venture

Since no appeals were taken from the Board's Orders in the above captioned cases, we are hereby closing the files and returning same to you herewith.

Attachment (Nos. 98-468-SPHXA; 99-72-A; 98-490-A & 98-445-SPHA)

DAVID S. SELLMAN, P.A.

**SUITE 1330** 

201 NORTH CHARLES STREET BALTIMORE, MARYLAND 21201

Member of MD and D.C. Bars

Telephone 410-332-4151 Telecopier 410-576-0140

October 5, 1998

CERTIFIED MAIL – RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

Arnold Jablon, Director
Permits and Development Management
Baltimore County Office of Planning and Zoning
401 Bosley Avenue
Suite 406
Towson, Maryland 21204

Re: PETITION FOR VARIANCE

W/end of Chestnut Woods Court, 1320' W of c/1 Red Tree Lane

(2616 Chestnut Woods Court)

4<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Patrick Lynch, et ux – Petitioners

Case no.: 98-490-A

Dear Mr. Jablon:

On behalf of Mr. and Mrs. David Sellman, and Mr. and Mrs. Emmanuel Levin, please accept this letter as an appeal to the County Board of Appeals of the decision of the Deputy Zoning Commissioner of Baltimore County in connection with the above referenced matter. Accompanying this letter is our check in the amount of \$210.00 representing the filing fee.

Please advise us immeduately if you are in need of any additional materials or information in order to perfect this appeal.

Very truly yours,

David S. Sellman

David S. Sellman

(A)

DSS/tds

cc: Mr. and Mrs. Emmanuel Levin Mr. and Mrs. Patrick Lynch

OCT - 7 1998
PDM

### Emanuel and Sharon Levin 12627 Waterspout Court Owings Mills, Maryland 21117

August 4, 1998

Commissioner Timothy Kotroco
Baltimore County Office of Planning and Zoning
County Courts Building
Suite 405
401 Bosley Avenue
Towson, Maryland 21204

Re: Case No. 98-490A Variance Request - 2616 Chestnut Woods

Dear Commissioner Kotroco:

We are homeowners located at 12627 Waterspout Court in Owings Mills, Maryland and our property is adjacent to the property known as 2616 Chestnut Woods, which request for variance was recently heard before you in Case No. 98-490A. It is our understanding that a hearing was held on July 28, 1998 for a variance for 2616 Chestnut Woods to reduce the side set back on that property and other matters. Please accept this letter as our objection to the granting of such a variance.

We were not advised nor did we receive any notice concerning the hearing or we would have attended to voice our objections. Our property adjoins the 2616 Chestnut Woods on the rear property line and as such we could not see the posting of the hearing notice on this property.

We have been active in monitoring the development of the Chestnut Woods site from the beginning of the plan approval process in 1995. We have owned our property for approximately eight years. Sharon Levin testified in the development plan hearing for Chestnut Woods about our concerns for the continuance of the forest buffer easement, storm water management and the lowering of the housing density.

Most disturbing is our understanding that the owners of 2616 Chestnut Woods have admitted to encroaching upon the forest buffer in the clearing of their site which is not allowed even if they receive the variance. This activity is in direct violation of the Forest Buffer Easement and the protective covenants which restrict disturbance of these areas. The fact that such an action has occurred clearly demonstrates the lack of concern that the petitioners have toward the restrictions and agreements made with neighboring landowners and the county and should not be underemphasized.

Prior to purchasing their lot, the owners of 2616 Chestnut Woods had access to a detailed development plan which shows the Forest Buffer Easement and the footprint for the building of the house on the lot. The footprint on the plan clearly shows that the rear of the house or the long side of the rectangular shape faces the northwest quadrant of the lot. The placement of the house in the designated manner means that the rear or long side of this house will not be directly facing four rear adjacent property owners namely ourselves, Howard Bensky, Ronald and Beatrice Shapiro and David and Nancy Sellman.

AUGUST 4, 1998 PAGE TWO

In the event the variance is granted and the house is turned, the rear of the house will be directly facing the rear of all of our houses. Granting a variance would infringe upon all of the adjacent landowner's privacy and views and lower property values. The development plan clearly indicates that the 2616 house should be facing the Forest Buffer Easement so that the rear of the house is not impacting upon the view or privacy of other houses. Since the owners of 2616 Chestnut Woods had access to the development plan, they had the knowledge and opportunity to design their house to fit the lot as shown on that plan. We do not understand why the 2616 Chestnut Woods property owners would want to view the backs of our houses from their backyard when instead they could be viewing the scenic Forest Buffer Easement.

We thank you for reviewing and considering the concerns we have expressed in our letter and accepting this document as our position regarding the requested variance. We respectfully request that we be notified by mail of your decision in this matter and included in any other notices or hearings concerning this property.

Very truly yours,

Emanuel Levin

Sharon Levin

EML/slr

cc: Mr. and Mrs. David Sellman

March 22, 1999

County Board of Appeals of Baltimore County Old Court House, Room 49 400 Washington Avenue Towson, MD 21204

Case #: 98-490-A

To all whom it may concern,

In regards to above referenced case I am giving notice that I am withdrawing my petition for variance.

Thank you for your continued courteous response to this matter.

Sincerely,

Patrick J. Lynch

Dependent John 3/23/99.

### PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
DAVID SELLMAN	12619 WAREWROUT CT.
Bonnie Lynch  Jenny schult	P.O. BOX 5194  TIMONIUM MO 2109= 185 LOWES WAY  PASADENA MD. 21122
Row FrieDenberg	219 Delight MusDows Ra Restrotour MD 21136
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